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# *The Journal of Southern History*

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# A New Deal in Constitutions

By WILLIAM M. ROBINSON, JR.

In this celebration of the sesquicentennium of the adoption of the United States Constitution, your Program Committee has considered it fitting to recognize the constitutions of the Confederate States.<sup>1</sup> A study of these constitutions is particularly opportune in this day of constitutional questioning and seeking after public reforms. A better and more widespread knowledge of their departures from the model of 1787 might have disclosed to the generation which succeeded the War between the States many provisions worthy of incorporation into the United States Constitution. Unfortunately, little study and application was made of the constitutional and administrative experience of the Confederacy, despite the improvements manifested in civil government and military technique. The establishment of the United States department of justice in 1870 in imitation of the Confederate prototype is almost the solitary exception.

During the crisis of 1860-1861, it was believed by many in the Border and Northern states that the secession movement was merely a constitutional crisis precipitated by the Lower South to extort better terms for itself. It was believed that new guarantees written into the United States Constitution would serve to bring the seceded states back into the Federal fold. While Virginia's Peace Convention proceeded vainly upon this hypothesis, South Carolina and her sisters of the Deep South gave to the world ample evidence that it was no case of trading on constitutional amendments, that nothing short of a new deal in constitutions would satisfy them.

<sup>1</sup> This paper was read before the joint session of the American Historical Association and the Southern Historical Association in Philadelphia, December 29, 1937. It may be taken as a companion piece to the writer's "Legal System of the Confederate States," in *Journal of Southern History* (Baton Rouge, 1935-), II (1936), 453-67.

In January, 1861, the cotton states themselves scarcely realized the extent to which their new deal was to change their organic Federal law. They were thinking of a more homogeneous union under the same old constitutional provisions. In Alabama's Ordinance of Secession, she invited the fourteen other slaveholding states to meet at Montgomery "to frame a provisional or a permanent government, upon the principles of the Government of the United States."<sup>2</sup> Every deputation brought to the Congress of Montgomery instructions which were proof of the South's veneration for the American plan of government.<sup>3</sup> But the deputies also brought with them a desire to clarify controversial clauses, which opened the way to deeper changes than they initially contemplated.

The spirit of change is evident in the Provisional Constitution; but to President Jefferson Davis, who had had little time to examine the new Constitution before assuming office, it seemed to differ from the Constitution of his forefathers only in so far as it was "explanatory of their well-known intent." Said he in his inaugural address, "We have changed the constituent parts, but not the system of our Government." The Permanent Constitution bore the full fruit. Benjamin H. Hill, one of the deputies from Georgia, in explaining it to his constituency, said: "We have not abandoned the provisions of the Old Constitution nor set at naught the wisdom of its framers. The framers of the New . . . have improved upon the Old—not because they were the wiser—but because they had the light of seventy-three years' experience to guide them."<sup>4</sup>

<sup>2</sup> Mississippi in her Ordinance of Secession consented "to form a federal union with such of the States as have seceded, or may secede, from the Union of the United States of America, upon the basis of the present Constitution of the said United States"; but South Carolina, Florida, Georgia, and Louisiana (the remainder of the original Confederate States) made no mention of a future union in their ordinances to dissolve the existing Union.

<sup>3</sup> The state conventions of South Carolina and Louisiana instructed their representatives to put a provisional government into effect before March 4, 1861. South Carolina stipulated that the provisional government should last not longer than July 1, 1863; but Georgia instructed that it should be replaced by a permanent federal government upon the United States plan within twelve months. All except Mississippi directed that the Permanent Constitution be submitted to the several state conventions for their adoption or rejection.

<sup>4</sup> Alexander H. Stephens in an address in the Athenaeum, Savannah, Georgia, March 21, 1861, declared that the Permanent Constitution would be a "lasting monument" to the "worth, merit and statesmanship" of its framers, of whom, said he, "an abler, wiser, a more conservative, deliberate, determined, resolute and patriotic body of men, I never met in my life." Milledgeville (Georgia) *Southern Recorder*, April 2, 1861.

The Confederate constitutions were not long in birth.<sup>5</sup> At noon on Monday, February 4, 1861, thirty-seven deputies from six states met at Montgomery, signed a roll of Congress, exhibited their credentials, and elected a presiding officer and a secretary. The next day, having adopted rules of order, they agreed upon a Committee of Twelve to report forthwith "a plan of a provisional government . . . upon the basis of the Constitution of the United States." This committee, composed of two members from each state, was headed by Christopher G. Memminger, a Swiss-born South Carolinian, who came to the Congress with a draft in hand.<sup>6</sup> Shortly after one o'clock, Thursday afternoon, Memminger reported a provisional constitution; but its consideration was postponed until it was received in handbill form from the public printer the next day. Whereupon the Congress proceeded to consider the committee's recommendation in secret session, and at the end of a long evening adopted the "Constitution for the Provisional Government of the Confederate States of America."

The first round in the new deal in constitutions was no sooner finished than the second was begun. A second Committee of Twelve, headed by Barnwell Rhett of South Carolina, was appointed the next day to report a permanent constitution. On Monday, March 11, one week after Lincoln's inauguration, the Constitution of the Confederate States of America was passed and adopted unanimously.<sup>7</sup> It went into effect on February 18, 1862.

<sup>5</sup> See the *Journal of the Congress of the Confederate States of America, 1861-1865*, 7 vols. (Washington, 1904), I, 7-42, 851-924. Both constitutions were officially printed by the Confederate Bureau of Public Printing in the pamphlet laws of the Provisional Congress, and the full texts were carried in practically all newspapers of the South.

<sup>6</sup> Thanks to this act of preparedness, the Congress was kept marking time only one day, during which it received three commissioners sent by North Carolina "for the purpose of effecting an honorable and amicable adjustment of all the difficulties that distract the country, upon the basis of the Crittenden resolutions, as modified by the legislature of Virginia." Commissioners were also on hand from New York City, whose mayor at that time entertained ambitions of its becoming a free city *à la* ancient Bremen or Hamburg; but they were not officially received on the floor of Congress.

<sup>7</sup> In order to carry on its legislative and constitution-making functions, the Congress advanced its hour of convening from noon to ten o'clock, reserving the first half of the afternoon to constitutional business. The Texas deputation joined in time to sign the Permanent Constitution. Virginia, North Carolina, Arkansas, Tennessee, Missouri, and Kentucky were subsequently admitted.

The call for new deals in constitutions did not stop here. Though there was nothing in either of the Confederate constitutions which necessitated change in the states' organic or even statutory law beyond the mere substitution of the word *Confederate* for *United* wherever the name of the Federal government occurred, most of the states either wrote new constitutions or rather completely overhauled the existing ones. However, it is beyond the province of this paper to consider these changes; we are concerned now with the departures of the two Confederate constitutions from the United States model.

The Provisional Constitution as submitted by Memminger was amended relatively little by the Congress. The most significant amendment was the provision permitting the president to approve some items and disapprove others in the same appropriation bill. The words *granted* and *vested* in relation to legislative powers were changed to *delegated*. In the United States Constitution the word *delegated* occurs only in the Tenth Amendment. This change in verbiage was apparently intended to emphasize the belief that government was merely the agent of the people.

Memminger's draft as accepted by the Congress contained a few notable departures from the United States model. Congress was forbidden to appropriate money unless it should be asked for by the president or by the head of one of the executive departments, except to pay its own expenses or contingencies. The power of Congress to levy taxes was limited to that revenue necessary to pay the debts and carry on the government. There was no mention made of territories or of Confederate property. This omission, however, did not deter the Provisional Congress from creating the Territory of Arizona. No restrictions were placed on exports, capitation taxes, the admission of new states, or the keeping of troops or ships of war by the states. State officers were not required to take an oath to support the Constitution. A two-thirds vote of the Congress was necessary to declare the president unable to perform the powers and duties of his office. Most of these departures were not repeated in the Permanent Constitution, and the others were modified in the direction of the parent document.

Marked departures occurred in the article relating to the judicial power. Each state was limited to a single judicial district, despite the fact that no one of the states had contained less than two districts under United States law. This improvident limitation was corrected by the only amendment ever made to either of the Confederate constitutions. The jurisdiction of the United States district and circuit courts was combined in a single echelon of district courts. The bench of the Supreme Court consisted of all the district judges.

Sundry other departures were born of the necessity for immediate and transitional government. The congress of seceded states expeditiously continued itself in office as the Provisional Congress for a term not to exceed one year. The equality of states was preserved in this unicameral body by giving each deputation one vote regardless of its size. The mode of filling vacancies was left to the pleasure of the states. Pending the inauguration of the President, that is from February 8 to 18, the Congress exercised the executive function. Provision was made for the continuity of justice through the transfer of causes pending in the late United States courts to the Confederate courts, through the execution of the orders and judgments of the predecessor by the successor courts, and through the latter's assumption of jurisdiction in all new cases arising under the laws of the United States. The government was directed to take immediate steps to settle with the United States all matters relating to the public debt and property at the time of secession—upon this mandate the appropriate but futile action was taken of sending three commissioners to Washington.

Slavery was dealt with in plain terms. The Congress was required to pass such laws as would effectually prevent the importation of African Negroes from any foreign country other than the slaveholding states of the United States; and an attempt was made to cause that exception to expire on July 1, 1862. An act to suppress the trade was passed at the first session of the Provisional Congress, but was vetoed by President Davis because in his opinion it failed to effectuate the constitutional command. Though other bills were offered, none ever passed; and the



several acts of 1794 to 1860, adopted en masse with the body of the United States law, remained the Confederate law on the subject.

The Constitution of the Confederate States marked the high point in American constitution-making. In some respects the Provisional Constitution invaded the legislative field and showed evidence of hasty work. The style subcommittee of the Committee on the Permanent Constitution modernized the orthography of the 1787 model, and extended its chaste language to all the departures from the parent document—departures which not only provided improvements in the machinery of government but attempted to set at rest moot questions.

No question had more agitated the American people than that dealing with the nature of the central government. The Permanent Constitution laid that question forever at rest so far as the Confederate States was concerned. The preamble described the government as being "a permanent federal government," formed by the people of each state acting in their separate and sovereign capacities. To this government the several peoples delegated (not granted) specified powers. The government possessed no sovereignty, only powers of popular agency. While citizenship was recognized as basically a question of being one of the people of a state, the Constitution subjected to the will of Congress the requirements for naturalized citizenship. Under the United States Constitution some states had permitted unnaturalized aliens to participate in state and local elections; this was expressly forbidden. Thus two theories were repudiated: first, the nationalistic conception of a superstate, which had been developed in the North; and second, the notion which persisted in the South, as a relic from the days of the Articles of Confederation, that the central government was merely the common agent of the several state governments.

Though here was a federal government whose Constitution, laws, and treaties constituted "the supreme law of the land," great respect was shown for state rights. The Senate must vote by states on the admission of a new state. Slavery was a cornerstone of the Confederate social structure, yet the framers of the Constitution went on record as being unwilling to circumscribe the freedom of the states by refusing admis-

sion to any new state whose constitution did not provide for Negro slavery, or by restraining an existing state from abolishing slavery within its limits. Stringent provisions, however, were written into the Constitution guaranteeing to citizens of slaveholding states the unimpaired right of transit or sojourn in every Confederate state and territory with their slaves and other property. The power of impeachment was extended to state legislatures in the case of Confederate officers residing and acting solely within the limits of a particular state.

Though nothing appears in the Constitution respecting secession or nullification, both were openly discussed in the Montgomery Convention. The one doctrine was approved and the other was with equal certainty condemned. Separate proposals were submitted by Memminger and James Chestnut, Jr., of South Carolina looking to the removal of Confederate troops from any military reservation within a given state forthwith upon the demand of that state's convention. W. W. Boyce of South Carolina and Hill of Georgia introduced amendments aimed at preventing nullification. Hill's motion expressly forbade it, and required an offended state to submit its grievance to the Confederate States Supreme Court, whose bench was to be augmented for the particular case by the state's chief justice. If the state refused to conform to the decision, the Congress might withdraw from it the privileges and benefits of the Confederation without releasing it from its duties and obligations. If the state then desired to secede, it could do so after having made arrangements for a division of the public debt and property. None of these proposals were pressed to a vote. The solution of state grievances and the proposing of constitutional amendments were left to a general convention of all the states which Congress was required to summon upon demand by the conventions of any three states. Congress was stripped of its power to propose amendments, which could only be proposed to the people by a general convention. Amendments were to be ratified by the people of two thirds of the states, acting either through a convention or their state legislature, according to which mode should be stipulated by the general convention.

After setting at rest the basic controversy, the Confederates disposed

of the growing tendency—a tendency which in these days and times has reached such enormous proportions—of the central government to intrude into state affairs and to spend money on internal improvements of essentially local character and purpose. To restrain the new government within the original intention, or at least original practice, of the framers of the United States Constitution, the euphemistic but controversial general welfare clause was omitted from both the preamble and the appropriation powers of the Congress. There was also withheld from the Congress the power to appropriate money for internal improvements intended to facilitate commerce, except for the purpose of furnishing lights and other aids to navigation on the coast, the improvement of harbors, and the removal of obstructions to river navigation. This restriction was not in the committee's draft of the Constitution; but was tacked on to the commerce clause by Rhett and T. R. R. Cobb. In supplement to, or in lieu of Confederate improvements, a state or two or more states in concert were allowed to make river and harbor improvements. Both Confederate and state expenditures were to be recouped out of duties laid on the navigation facilitated; but any surplus revenue taken in by the states was to be paid into the Confederate treasury.

The Confederate fathers gave further evidence of their determination to make those who benefited by the public utility services of the government stand the cost of performance. The post office department was required by the Constitution to meet its expense out of its revenues after March 1, 1863; and John Reagan of Texas, President Davis' good "Jim" Farley, saw to it that it did. Likewise the establishing act of the patent office stipulated that it be self-sustaining, and this office too never failed to pay its way until the end of the government.

Not only was Congress denied power to lay taxes to provide for the general welfare, but it was forbidden to lay duties on importations to promote or foster any branch of industry. While protective imposts were denied, exports were permissible upon a two-thirds vote of the Congress. The only use which was made of this power was the nominal levy of one eighth of one cent on each pound of cotton exported. No import duty higher than 25 per cent was ever levied by the Congress. Bounties

to industry and extra compensation to officers, employees, or contractors were forbidden. Congress was not allowed to pass a law to discharge a debt contracted before its passage.

In every way the Constitution sought to insure an economical administration and to safeguard the public purse and honor. The president was vested with a budgetary control not enjoyed in the United States. Congress could make no appropriation unless it was asked for by the president upon an estimate prepared by the head of an executive department, except by a two-thirds vote of both houses; or unless it were for the purpose of paying its own expenses or for the payment of judgments by the Court of Claims. Furthermore, the president was allowed to veto any item and approve others in the same appropriation bill. Appropriations of unspecified amounts or for indefinite purposes were prohibited. Omnibus bills with their convenient hiding places were inhibited under the clause requiring every act or resolution to relate to but one subject, and that to be expressed in the title.

The tenure of office of the president was fixed at six years by the drafting committee but his ineligibility for another term was added by the convention. Inasmuch as political parties had no organized existence in the Confederate States, there was no influence at work to perpetuate old schemes for achieving and maintaining party advantages. Hence sincere efforts were made to find a new mode of electing a president, which would avoid the demoralizing effects of national party conventions and campaigns. Though two alternatives were offered to the electoral college plan, no satisfactory solution was found; and, reluctantly, the United States plan was adopted. The president was allowed to drop cabinet and diplomatic officers at pleasure; but all other civil officers of the executive branch were removable only because their services were no longer necessary, or "for dishonesty, incapacity, inefficiency, misconduct or neglect of duty." Report to the Senate was required of every removal with the reasons therefor. The president was forbidden to give a recess appointment to an officer whose confirmation had been declined at the preceding session. Members of Congress were forbidden to hold other office in the general government. This restriction did not apply during the provis-

ional government; and judges, military officers, and cabinet members sat in the Provisional Congress. The Permanent Constitution permitted Congress to allow seats in both houses to the principal officer in each executive department with the privilege of discussing matters pertaining to his department.

On the judicial side, the Permanent Constitution followed the United States model with two principal exceptions. Jurisdiction was denied to the Confederate courts in cases depending upon diversity of state citizenship. The establishment of a Court of Claims was mandatory.

How might these departures from the United States Constitution have affected our present day scheme of national government?

The presidential election would be reduced from every fourth to every sixth year, thereby affecting a saving of one third in national disturbance and expense. The president not being eligible for a second term, the country would be free from the bugbear of dictatorship by the perpetuation of one man in power; and the president himself, freed from the necessity of currying the political favor requisite for re-election, would be in a position to allow full rein to his intelligence and ability without truckling to any person or any interests, whether labor or capital. Thus the experience and skill in statecraft acquired during his first four years would be made available to the service of the country for two more years without the turmoil of another campaign. The history of most double terms has indicated that a president's popularity and usefulness wanes, if it does not disappear, after the first half of the second term. Hence a single term of six years not only would tend to remove temptation from the path of the president but would probably be the most satisfactory and economical tenure of office.

Even if limiting the office to six years should not relieve the president from the urge to strengthen his personal power through patronage, at any rate the limitation on the removal of subordinate executive officers would have reduced the patronage evil almost to a nullity. If public servants held office as long as they were honest and attentive to duty but no longer, could they not look forward to more of an assured career under the protection of the Confederate Constitution than can United

States employees today under the civil service act? The heads of the executive departments and the diplomatic officers being immediate personal representatives of the president, it would be eminently fitting and proper that they, however, should hold office at the pleasure of the president alone.

The president's budgetary control over appropriations, breakable only by a two-thirds vote in Congress, would give him power commensurate with his responsibility to keep the budget balanced. The giving of seats in both Houses of Congress to the cabinet members, with the privilege of discussing any measure appertaining to their respective departments, would tend to more sympathetic co-operation between the two branches of government. It was intended to develop the best in the European parliamentary system without breaking down the distinctive American separation between the executive and legislative functions.

Congress, being constrained to pass bills embracing only one subject, would be inhibited from concealing doubtful or special interest legislation which could never be got through in the open or on its own merits. The provision which prohibited the grant of "extra compensation to any public contractor, officer, agent or servant, after such contract shall have been made or such service rendered," would have forestalled the costly Soldiers' Bonus, G. A. R., and Spanish War pensions. It would not have prevented the payment of such pensions as were authorized in advance of the service for which they were to be allowed. The clause that "no law of Congress shall discharge any debt contracted before the passage of the same," would insure the redemption of debt in the medium lawfully promised. Thus, creditors who had been promised gold could not be forced to accept payment in paper. The clauses which forbade protective tariffs and the grant of bounties from the public treasury would have withdrawn the fostering hand which has stimulated overproduction, depressive conditions in industry, and a feeling that perhaps the laws of economics may be circumvented by ingenious regulations. The provision requiring every appropriation to be expressed in the Confederate currency would forestall blanket appropriation of special taxes. The requirement that internal improvements be limited to those intended to

facilitate navigation, and that their cost be recouped through duties laid on the commerce facilitated, would have gone a long way toward disposing of the pork barrel disgrace. The provision that the post office department must pay its own way would not only have entailed rigid restriction in the franking privilege but it would, undoubtedly, have diminished the prodigality in production and distribution of public documents. The omission of the general welfare clause would have headed off tendencies to exaggerated paternalism and regimentation. It would have made it impossible to embark upon construction programs not related to the common defense or the business of carrying on government. The purpose of such limitations on the legislative powers of Congress was to give effect to that sturdy old Anglo-Saxon trait, once much applauded in America, of requiring men and measures to stand or fall on their own worth.

Recognizing that the customs, manners, habits, and industry of the people vary markedly from state to state, the Confederates believed that the public welfare would be promoted with greater regard for the real needs and susceptibilities of the people by the state governments. The omission of the welfare clauses would put squarely and indubitably upon the shoulders of the state and locality the burden of public relief. The provision reserving to two or more states the right to agree upon joint improvements would recognize the fact that such work can be more understandingly planned by regional commissions than by national bureaus.

The power of impeachment extended to state legislatures would make Confederate officers more responsible to the people of the state in which they served. The withdrawal of jurisdiction from the Confederate courts in cases dependent upon diversity of state citizenship would destroy one of the chief advantages to entrepreneurs incorporating out of the state in which business was to be done, since the foreign corporation would be required to answer in the state courts as any local citizen. The Confederate method of effecting constitutional amendments would throw the question, practically at every step, upon delegates elected by the people for the special purpose, rather than upon representatives previously

chosen at general elections. It would, therefore, more accurately reflect the popular will.

The Constitution of the Confederate States, when viewed as a development in representative government, must be regarded as the peak contribution of America to political science. Its keynote was the elimination of political waste, the promotion of economical government, and the keeping of each echelon of our complex government within its appointed orbit.



# The State Courts and the Confederate Constitution

By J. G. DE ROULHAC HAMILTON

The Constitution of the Confederate States received its only definitive judicial interpretation at the hands of the supreme courts of the several states.<sup>1</sup> In spite of the fact that it made provision for a Supreme Court, with like jurisdiction as that granted the Supreme Court of the United States, the mandate was never carried out, and this fact, combined with the intense state consciousness in the South at that period, elevated the state courts to an authority unknown under the Constitution of the United States. A brief explanation of the failure to organize the court is necessary to an understanding of the judicial history of the Confederacy.

The Provisional Constitution provided that the Supreme Court should consist of the district judges, a majority constituting a quorum,<sup>2</sup> and the Provisional Congress, at its first session, passed an act providing for an annual term to begin the following January, and prescribing jurisdiction and procedure.<sup>3</sup> At the third session the provision for this term was repealed with the proviso that none should be held until the permanent court was organized.<sup>4</sup> In the meantime the Constitution had been adopted

<sup>1</sup> This paper was read before the joint session of the American Historical Association and the Southern Historical Association in Philadelphia, December 29, 1937.

I desire to acknowledge indebtedness to the following books and articles: S. D. Brummer, "The Judicial Interpretation of the Confederate Constitution," in *Studies in Southern History and Politics inscribed to William Archibald Dunning* (New York, 1914), 105-33; A. B. Moore, *Conscription and Conflict in the Confederacy* (New York, 1924); J. W. Garner, *Reconstruction in Mississippi* (New York, 1901); "The Supreme Court of the Confederacy," in *Virginia Law Register* (Charlottesville, 1895-), N.S., VI (1920), 592.

<sup>2</sup> Art. III, sec. 1, para. 3. For the Provisional Constitution, see James D. Richardson (ed.), *A Compilation of the Messages and Papers of the Confederacy, including the Diplomatic Correspondence, 1861-1865*, 2 vols. (Nashville, 1905-1906), I, 3-14.

<sup>3</sup> *Statutes at Large of the [Confederate] Provisional Government*, 1 Sess., Chap. LXI.

<sup>4</sup> *Ibid.*, 2 Sess., Chap. III.

which practically duplicated Article III of the Constitution of the United States.

In his first message to Congress under the Constitution, President Jefferson Davis urged the organization of the court,<sup>5</sup> and it was the general expectation that this would be done promptly. But the first step in that direction was a highly significant one. On March 8, 1862, Judge Thomas J. Semmes of Louisiana introduced in the Senate a bill to repeal Sections 45 and 46 of the act of March 16, 1861, which gave the Supreme Court appellate jurisdiction over the highest state courts to the same extent as that exercised by the Supreme Court of the United States.<sup>6</sup> Three days later he reported from the Judiciary Committee a bill to organize the court. On March 26 he moved its postponement and in September it was postponed again.<sup>7</sup> In the meantime the repeal bill slept.

In the House an organization bill was introduced in April.<sup>8</sup> Nothing more was heard of it and in September a resolution was passed instruct-

<sup>5</sup> Richardson (ed.), *Messages and Papers of the Confederacy*, I, 192.

<sup>6</sup> Section 45, the significant one, reads:

"... That a final judgment or decree in any suit, in the highest court of law or equity of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the Confederate States:

"Or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaty or laws of the Confederate States:

"Or where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute or commission held under the Confederate States:

"In each of these causes, the decision may be re-examined, and reversed or affirmed in the Supreme Court of the Confederate States, upon a writ of error, the citation being signed by any judge of the said Supreme Court, in the same manner and under the same regulations, and with the like effect as if the judgment or decree complained of had been rendered or passed in a district court of the Confederate States; and the proceeding upon reversal shall be the same, except that the Supreme Court, instead of remanding the cause for a final decision, may at their discretion, if the cause shall have once been remanded before, proceed to a final decision of the same and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid than such as appears in the face of the record, and immediately respects the beforementioned question of validity or construction of the said Constitution, treaties, statutes, commissions or authorities in dispute." *Acts and Resolutions of the First Session of the Provincial Congress of the Confederate States* (Richmond, 1861), No. 82, p. 128.

<sup>7</sup> *Journal of the Congress of the Confederate States of America, 1861-1865*, 7 vols. (Washington, 1903-1904), *Senate Document* No. 234, 58 [U. S.] Cong., 2 Sess., I, 369. Hereafter cited as *Journal*.

<sup>8</sup> *Ibid.*, V, 204.

ing the Judiciary Committee to report a bill.<sup>9</sup> But no action was taken.

In his report of January 1, 1863, Attorney General Thomas H. Watts made a strong plea for the organization of the court.<sup>10</sup> Secretary Christopher G. Memminger also urgently asserted the need of the court. The President was known to be anxious for prompt action, and Benjamin H. Hill of Georgia, administration spokesman in the Senate, was quoted as saying: "I think it high time the judicial department of the government be thoroughly organized, for it has been a limping concern long enough."<sup>11</sup> On January 19 he introduced a bill,<sup>12</sup> which the Senate began to consider a week later. The debate lasted intermittently until the middle of March.<sup>13</sup> Semmes, claiming parenthood of the bill, said that he had not pressed its passage for nearly a year because the state of the country did not seem to demand an appellate tribunal, but that conditions had changed and many questions were likely to arise that could only be settled by a supreme court. He added that his bill had been postponed on account of the doubt caused by the fall of Fort Donelson.

William L. Yancey of Alabama on the next day expressed the feeling of the radical state rights group when he said: "When we decide that the state courts are of inferior dignity to this Court, we have sapped the main pillar of this Confederacy." He further denied any constitutional

<sup>9</sup> *Ibid.*, 391.

<sup>10</sup> "When the framers of our Constitution divided all the delegated powers into the three great departments, Legislative, Executive and Judicial, they never contemplated the system fully organized until each of the departments should be provided with a head. The Constitution has now been in operation nearly one year, and yet no Supreme Court has been established. The many conflicting decisions, under the confiscation, conscription, and other laws, from which appeals have been taken, show but too plainly the necessity for prompt action on the part of Congress. Uniformity in the construction of statutes, the preservation of constitutional landmarks, and justice to the property and person of the citizen, all call for the establishment of the Supreme Court, the head of the Judicial Department of the Government. As the law now stands, no appeals are allowed from the decisions of the Judges of the District Courts, in cases arising under the *habeas corpus* writ. I respectfully suggest that in such cases, appeals or writs of errors should be authorized." *Report of the Attorney General* (Richmond, 1863), January 1, 1863.

<sup>11</sup> "Why the Confederate States of America Had No Supreme Court," in *Publications of the Southern History Association* (Washington, 1897-1907), IV (1900), 84.

<sup>12</sup> *Journal*, III, 20.

<sup>13</sup> *Ibid.*, 20, 32, 36, 38, 42, 44-48, 50, 53, 56, 64, 66, 106, 146, 164, 172, 174, 176-77.

power of Congress to create a court with appellate jurisdiction over the state courts.<sup>14</sup>

Louis T. Wigfall of Texas was not less opposed. Refusing to regard the court as one of great importance, he declared it "a court of inferior dignity and circumscribed jurisdiction as compared with the state courts." He added that the destruction of the Union was due to the Supreme Court of the United States; that John Marshall's high character and great ability were responsible for it; and that he did not think it desirable to have first rate talent on the court. Later he declared that he would not vote for the court at all unless its appellate jurisdiction over state courts was repealed. "The Constitution of the Confederate States does not require us to organize the Court proposed by this bill; on the contrary it inhibits its organization."<sup>15</sup> Other leaders of the opposition were Robert W. Barnwell of South Carolina and Henry Burnett of Kentucky.

On January 28, the day of Wigfall's speech, Clement C. Clay of Alabama moved as an amendment the repeal of Sections 45 and 46, and the debates thereafter largely turned on that proposition.<sup>16</sup> They were heated at times and on February 4 Hill and Yancey came to blows and were

<sup>14</sup> *Southern Historical Society Papers* (Richmond, 1876-1910, N.S., 1914-), XLVII (1930), 210.

<sup>15</sup> *Ibid.*, 207-10, 223-25. "I do not think it desirable to have the first talent in this court. Had Chief Justice Marshall been a man of bad character or inferior intellect, the old Union would still have been in existence. But his unimpeachable character, his great intellect enabled him to fasten his principles of nationality upon our institutions. The Supreme Court of Georgia, without a dissenting voice, has said that Judge Marshall spent his life writing against the Kentucky and Virginia Resolutions, and Story, a young lawyer of little practice, had employed himself in hunting up authorities for him. Had Marshall attended to the small business of his court, the Union would not now be disrupted. But he construed Congress to be as supreme as the British Parliament, and went on making one decision after another, until our simple and beautiful republican principles were warped into the monstrous despotism from which we found it necessary to break away. It has been said by an old writer that the Book of Judges went before the Book of Kings. I have the same opinion of Courts. If this court will confine itself to its legitimate business it will have little to do. If, however, it arrogates supervision over the State Courts it will have any amount of business. I am opposed to the large salaries of the original bill. Any Georgia judge would resign his present salary of thirty-five hundred dollars to take one of these judgeships with a salary of five thousand dollars."

<sup>16</sup> Clay argued that these sections "almost entirely limited the jurisdiction of the State courts within the power of the courts of the Confederate States, and there was no feature of the Constitution, if construed by this section, which could not be made to favor the consolidation of the government." Richmond *Examiner*, March 19, 1863, quoted in "Why the Confederate States of America Had No Supreme Court," in *loc. cit.*, 85.

sternly censured by the Senate. Finally, on March 18 the Clay amendment was adopted, after which the court bill passed fourteen to eight.<sup>17</sup>

The Southern press paid little attention to the debates or to the passage of the bill, but in general where the repeal of appellate jurisdiction was mentioned, it was approved.<sup>18</sup>

The House Judiciary Committee on April 9 reported the bill favorably. Its consideration was then postponed until the following session.<sup>19</sup> In December it was again postponed.<sup>20</sup> No further attention was paid to the matter until May 5, 1864, when a new bill was introduced which died in the Judiciary Committee. In November another bill was introduced and tabled. Another, reported from the Judiciary Committee, was made a special order,<sup>21</sup> and was not mentioned again until March 14, 1865, when it was finally tabled.<sup>22</sup>

<sup>17</sup> The negative votes were cast by Albert G. Brown, Mississippi, Henry C. Burnett and William E. Simms, Kentucky, Allen T. Caperton, Virginia, George Davis, North Carolina, Gustavus A. Henry, Tennessee, and Edward Sparrow, Louisiana. *Journal*, III, 177.

<sup>18</sup> The following editorial of the Richmond *Enquirer*, March 19, 1863, quoted in "Why the Confederate States of America Had No Supreme Court," in *loc. cit.*, 86, is the most elaborate discussion I have found:

"A vote of the Confederate Senate, given on yesterday, will have at least as much influence on the destiny and future history of the country as any of the military events now imminent. By that vote the section of the law of the Provisional Congress defining the powers of the Supreme Court, which gave that body appellate jurisdiction over the Supreme Courts of the several states, was repealed. A Supreme Court, to hold its sessions at the Capital only, without the circuit feature of the United States Court, was afterwards organized, to consist of a Chief Justice and four Associate Justices. A Court of Appeals from the inferior tribunals of the Confederation, it can do no mischief, and may do much good. But had the original law been allowed to stand, prophetic inspiration was not necessary to foresee that the career of the Southern Confederacy would have been but a pursuit of the catastrophe which overwhelmed the late Union.

"The existence of such a tribunal as the Supreme Court of the United States was a practical denial of the absolute sovereignty of the States. The operation of the machine was actual consolidation of the whole country under Federal laws. When the sovereignty of the States was practically annulled, the collision of the opposite interests and sections of this enormous empire began, and proceeded irresistibly to produce dissolution. Such, in brief, was the history of the Union; such would surely be the history of the Confederacy, if like causes were introduced to make like effects. The large vote—sixteen to six—by which the Senate rescinded the appellate section of the original law is a cheering evidence that the statesmen of the country intend to adhere strictly to the principle and idea of a Federation."

<sup>19</sup> *Journal*, VI, 319-20.

<sup>20</sup> *Ibid.*, 537.

<sup>21</sup> *Ibid.*, VII, 310.

<sup>22</sup> *Ibid.*, 758.

The explanation for the failure to establish the court constitutes an interesting question. J. W. DuBose, in his life of Yancey, says that the House, supposedly, refused to pass the bill because of its unwillingness to have Judge John A. Campbell appointed chief justice.<sup>23</sup> Henry S. Foote of Tennessee said on the floor of the House that he would not vote for organizing the court as long as Judah P. Benjamin would have influence in the selection of the justices.<sup>24</sup> Doubtless other expressions of the kind were heard, but they have not come down to us.

However influential such objections may have been, they were not, it seems to me, the controlling ones. Yancey and Wigfall, in the Senate debate, voiced the chief reason for opposition. As General Bradley T. Johnson phrased it in after years, "there was no Supreme Court because the Confederate States would not tolerate a 'common arbiter' appointed by their agent, the Confederate Government."<sup>25</sup> John V. Wright, at the same time, stated another feeling which undoubtedly was widespread and influential in the war period, and is by no means unknown today: "there is danger to free government in giving large and unrestrained powers of construction to any court or tribunal having to deal with the liberties of the people. Men love power, and are prone to increase their powers, and exercise them."<sup>26</sup> Mrs. J. A. Orr of Mississippi, when consulted by Judge Orr, stated succinctly a potent reason: "We were too busy with the war,"<sup>27</sup> which, perhaps, is the most important reason advanced, for it is not to be doubted that had secession been peaceful, or had the Confederacy triumphed, a Supreme Court would have been established.

Quite naturally, under the existing circumstances, the only cases which involved interpretation of the Confederate Constitution grew out of the

<sup>23</sup> J. W. DuBose, *Life and Times of William L. Yancey* (Birmingham, 1892), 713. DuBose gives no authority for this statement, and I have found no contemporary allusion to such a feeling.

<sup>24</sup> Richmond *Sentinel*, December 17, 1863.

<sup>25</sup> Richmond *Dispatch*, June 30, 1899, quoted in "Why the Confederate States of America Had No Supreme Court," in *loc. cit.*, 91.

<sup>26</sup> "Why the Confederate States of America Had No Supreme Court," in *loc. cit.*, 94.

<sup>27</sup> *Ibid.*, 97.

execution of war legislation. Thanks to its similarity to the United States Constitution, almost every other question, possible at that time, had been adjudicated, and the decision accepted as final. It is interesting to speculate on what might have happened had cases arisen involving the provisions of the Bill of Rights. But there was no such widespread interference with freedom of speech and of the press as in the North, nor, outside the realm of the army, any such violation of the guaranty of liberty of the person. The grievances of the citizens arose almost entirely out of legislation and its execution. The military commission, for example, found no place in the Confederacy, and there were no Frémonts, Hunters, Burnsidés, and Stantons in action. And even Jefferson Davis—haughty despot, as he has sometimes been pictured—had more regard for constitutional obligations, or less iron in his blood, than the gentle and benevolent—or so portrayed—Abraham Lincoln. Certain it is that it never occurred to him or to his advisers to develop a theory of the war power that set aside the Constitution he had sworn to protect.

Let us briefly summarize the legislation which led to constitutional interpretation by the state courts. On April 16, 1862, the Confederate Congress passed the first conscription act, which declared every able-bodied white man between the ages of eighteen and thirty-five subject to military service. The act allowed the employment of substitutes not of military age.<sup>28</sup> This act was supplemented five days later by the exemption act, which exempted Confederate and state officials as well as many engaged in professional and industrial pursuits.<sup>29</sup> On September 27,

<sup>28</sup> *Public Laws of the Confederate States of America*, 1 Cong., 1 Sess., Chap. XXXI.

<sup>29</sup> *Ibid.*, Chap. LXXIV. The act exempted "all in the service or employ of the Confederate States; all judicial and executive officers of Confederate or State Governments; the members of both Houses of the Congress and of the Legislatures of the several states and their respective officers; all clerks of the officers of the State and Confederate Governments allowed by law; all engaged in carrying the mails; all ferrymen on post routes; all pilots and persons engaged in the marine service and in actual service on river and railroad routes of transportation; telegraph operators, and ministers of religion in the regular discharge of ministerial duties; all engaged in working iron mines, furnaces and foundries; all journeymen printers actually employed in printing newspapers; all presidents and professors of colleges and academies, and all teachers having as many as twenty scholars; superintendents of the public hospitals, lunatic asylums and the regular nurses and attendants therein, and the teachers employed in the institutions for the deaf and dumb, and blind; in each apothecary store now established and doing business, one apothecary in good standing who is a

1862, the second conscription act raised the age limit to forty-five, and, by making substitutes within the limit liable, raised the question of the status of their principals.<sup>30</sup> The war department immediately took the position that they were liable, and thereby brought an important issue to judicial determination. A little later the exemption act was repealed and an extended one adopted which included a system of detailing conscripts for labor.<sup>31</sup>

On March 26, 1863, the first impressment act became law, authorizing the seizure for military use of necessary stores,<sup>32</sup> and about a year later a second one was passed.<sup>33</sup> The pressing need for men led to the passage, December 28, 1863, of an act abolishing the employment of substitutes,<sup>34</sup> which was followed quickly by the act of January 5, 1864, abolishing the exemption of those who had furnished substitutes.<sup>35</sup> In February President Davis regretfully recommended the suspension of the writ of habeas corpus in order, chiefly, to check the activities of judges who were releasing conscripts and deserters in large numbers,<sup>36</sup> and on February 15, the act was passed.<sup>37</sup> Finally, again upon the im-

practical druggist; superintendents and operatives in wool and cotton factories, who may be exempted by the Secretary of War."

<sup>30</sup> *Ibid.*, 2 Sess., Chap. XV.

<sup>31</sup> *Ibid.*, Chap. XLV. The act exempted "railway employees, except 'laborers, porters, and messengers'; telegraphers, not to exceed four in any locality; employees of river and canal navigation companies; factory owners; tanners; shoe-makers; blacksmiths; wagon-makers; millers and their engineers; Government artisans, mechanics and employees for the manufacture of war munitions; ship-builders; salt-makers producing twenty bushels or more per day; miners of lead and iron; charcoal and coke burners; one white man who was engaged exclusively in raising stock, for every 500 head of cattle, 250 head of horses or mules, or 500 head of sheep; one white man on each plantation where the State law required one to be kept, and in States having no such law, one white man on each plantation of twenty or more negroes; the public printer and his employees; one editor and necessary printers for each paper; members of the Friends, Nazarenes, Dunkards, and Mennonites, who might furnish a substitute or pay a tax of \$500 into the public treasury; physicians who had practised for five years or more; superintendents and operatives in wool and cotton factories . . . ; and other persons whom the President may designate because of justice or equity." Quoted from Moore, *Conscription and Conflict in the Confederacy*, 67-68.

<sup>32</sup> *Ibid.*, 3 Sess., Chap. X.

<sup>33</sup> Act of February 16, 1864, *ibid.*, 4 Sess., Chap. XLIII.

<sup>34</sup> *Ibid.*, Chap. III.

<sup>35</sup> *Ibid.*, Chap. IV.

<sup>36</sup> Richardson (ed.), *Messages and Papers of the Confederacy*, I, 399-400.

<sup>37</sup> *Public Laws of the Confederate States*, 1 Cong., 4 Sess., Chap. XXXVII.



perative request of the President,<sup>38</sup> on February 17, 1864, Congress passed the "act to raise forces to serve during the war," which extended conscription and amended the system of details.<sup>39</sup>

Conscription is never popular and to many in a population so individualistic as that of the South, its very name was anathema. It won the heartfelt opposition of Vice President Alexander H. Stephens, and of Robert Toombs, John A. Orr, and Henry S. Foote, Jr., but had at the same time the wholehearted support of Yancey, Rhett, and Wigfall. At the time of the adoption of the policy, Governor Joseph E. Brown of Georgia wrote President Davis: "The late act of Congress, if executed in this State . . . strikes down her sovereignty at a single blow and tears from her the right arm of strength by which she alone can maintain her existence and protect those most dear to her and most dependent upon her."<sup>40</sup>

The Congress had little doubt of its constitutional power to resort to conscription and the Attorney General, in a formal opinion soon after the passage of the act, upheld its constitutionality.<sup>41</sup> Judge A. G. Magrath of the South Carolina District Court did likewise in a case which came before him in the early summer. Nobody paid a great deal of attention to the Confederate district courts which, by the failure to create a Supreme Court, were kept hanging in the air. They had no final jurisdiction under the Constitution and laws, and at best had only concurrent jurisdiction with the state courts over which they had no authority, appellate or otherwise. In most of the districts they scarcely functioned at all, and since their decisions were only scatteringly published in the newspapers, little was known of them at the time and far less today.

On the other hand, the rulings of the state supreme courts were awaited anxiously. Those courts occupied quite a different position in the public mind. In the first place, they were the same courts, well es-

<sup>38</sup> Richardson (ed.), *Messages and Papers of the Confederacy*, I, 370, 404.

<sup>39</sup> *Public Laws of the Confederate States*, 1 Cong., 4 Sess., Chap. LXV.

<sup>40</sup> *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901), Ser. IV, Vol. II, 130.

<sup>41</sup> *Attorney General's Opinion* (Richmond, 1862), May 16, 1862.

tablished by time and achievement in public confidence, operating in unbroken continuity, and racy of the soil which produced them. In the second place, holding as they did that they had concurrent jurisdiction with the Confederate courts, and with no appeal possible from their judgments, they were not only actually superior to the Confederate district courts, but were, each of them, paradoxically enough, a court of last resort.<sup>42</sup> It was, perhaps, a suitable arrangement for a confederacy of sovereign states, but it had in it infinite possibilities of confusion and even of disaster.

The activity of the state supreme courts varied greatly. The Court of Appeals of Virginia handed down only two decisions with constitutional bearing; the Supreme Court of South Carolina only one. The Supreme Court of Mississippi heard only nineteen cases during the war, fifteen of which were in 1861; only one touched a constitutional question. It held

<sup>42</sup> *Journal*, IV, 22. The following rather remarkable resolutions introduced by Louis T. Wigfall on May 4, 1864, indicate the dilemma in which the radical state rights men, who whole-heartedly supported the government, often found themselves:

*"Resolved*, That the Congress of the Confederate States has the undoubted right, during invasion or rebellion, and when the public safety requires it, to suspend the privilege of the writ of habeas corpus, and that while so suspended it is not competent for any Confederate judge to discharge from custody any person held under or by virtue of the authority of the Confederate States.

*"Resolved*, That the State courts, being established by State authority, can in no manner be affected by Confederate legislation, and that therefore an act of the Confederate Congress suspending the privilege of the writ of habeas corpus does not apply to them, and in no wise prevents their exercising such jurisdiction, or issuing such writs, as by the laws of their States they are allowed to execute or issue.

*"Resolved*, That the State and Confederate governments are separate, distinct, and co-ordinate governments; that each has its legislative, executive and judicial departments, and is a perfect government in itself; and that therefore neither can interfere, in any manner, with the legislative, executive or judicial action of the other; and that the courts of neither can inquire into the legality or illegality of the arrests of persons in custody under or by the authority of the other, or afford such persons any relief.

*"Resolved*, That the Constitution of the Confederate States is, as to the States and between them, a compact; and that each has, as in all cases of compacts between sovereigns, a perfect right to declare its true intent and meaning; and that the citizens of each State are bound by such decision.

*"Resolved*, That as to the citizens of each State, the Constitution of the Confederate States, having been ordained and established by the same authority as their State constitution, is equally supreme and binding over them as their State constitution is; and that the Government established by it, to the extent of its delegated powers, of which the State only is the judge, is as fully empowered to act for them as their State Government; and that when it does so act, their State government having no supremacy over the Confederate Government, can not release them from their obligation to obey."

no sessions in 1862 or 1865. The Texas court transacted little business and handed down only three constitutional decisions. The Florida court also determined three. The Louisiana court sat until February, 1862; that of Arkansas until June, 1863; and that of Tennessee once in 1861, and no constitutional decision was made. On the other hand, numerous cases came before the supreme courts of Alabama, Georgia, and North Carolina and the greater part of our attention must be devoted to the decisions in those states.

The conscription acts were naturally the first to come before the courts, and from Texas came the first ruling upon them. In the autumn of 1862 in the case of *Ex parte* Coupland,<sup>43</sup> with one of the three justices dissenting, it declared the act constitutional, laying down the doctrine that there were no limits, as to the mode or manner, in exercising the power to "raise and support armies," in which exercise the government was not dependent upon the will of either the citizen or the state. In 1864 the court upheld the right of Congress to conscript one who had furnished a substitute.<sup>44</sup>

The Georgia court followed with the most important of the twenty-one decisions handed down by it during the war. The case of *Jeffers v. Fair* came up on appeal from the refusal of a judge, in a habeas corpus proceeding, to release the petitioner. The court, in a unanimous opinion, declined to consider whether the conscription acts constituted a violation of the spirit of the Constitution. To the contention that the power to raise armies meant only of volunteers, with no power of compulsion, and, if in need of larger forces, with power to call forth the militia, it replied that the power of Congress was unlimited, and that the power to raise armies and the power to call forth the militia were wholly distinct. It added that the militia could not be used in an offensive war on foreign soil, nor was it intended that it should be merged in the army of the Confederate States. To the argument that the acts might be made subversive of the state governments, the court replied that the Confederate

<sup>43</sup> 26 Tex. 397.

<sup>44</sup> *Ex parte* Mayer, 27 Tex. 715. The only other Texas case is unimportant. See *Ex parte* Turman, 26 Tex. 708.

government could not exact service from state officers. The decision closed with a sweeping declaration of the constitutionality of the acts.<sup>45</sup>

Again, in two cases at the January term, 1864, the Georgia court dealt with the matter of exemption, which was essentially a part of the system of conscription. They concerned volunteers who had later furnished substitutes, and, after discharge, had been enrolled as conscripts. The court reversed the discharges granted on habeas corpus by the judge below. The decision involved construction of the act of April 16, 1862; General Order No. 29 of April 26, 1862; a supplementary regulation of the Secretary of War of April 29, 1862, providing that exemption was effective only so long as the substitute was exempt; and the act of September 27, 1862, by which substitutes became liable. Brushing aside all the contentions of the defendants in error, including the plea that the order of the Secretary of War was not authorized by the act, and was in fact legislation, the court held that all exemption was conditioned, *ex gratia* and not *ex debito justitiae*, and that no contract existed, and, if it did, the regulations were a part of it.<sup>46</sup>

The Alabama court at its January term, 1863, also upheld the conscription and exemption acts in two important decisions. In the first, Chief Justice Abram J. Walker's opinion did not controvert the right of the state courts to interpret the Constitution, treaties, and laws of the Confederate States, and to treat as nullities all laws infringing the Constitution in cases over which they had jurisdiction, nor yet the general principle that the courts of the states had concurrent jurisdiction over all subjects cognizable in the Confederate courts, where it was not otherwise provided by law. But it held that the general rule must be taken with exception of those cases in which the execution of the laws of the Confederate States by its own officers was to be supervised and controlled. It relied heavily on *Ableman v. Booth* and *United States v. Booth*,<sup>47</sup> as authoritative.<sup>48</sup>

In the other, by a divided court, it was held that a state court had

<sup>45</sup> *Jeffers v. Fair*, 33 Ga. 347.

<sup>46</sup> *Weems v. Farrell and Williams*, 33 Ga. 413.

<sup>47</sup> 21 Howard 506; 18 Howard 476.

<sup>48</sup> *Ex parte Hill, in re Willis, Johnson and Reynolds v. Confederate States*, 38 Ala. 429.

concurrent jurisdiction with Confederate courts to determine by habeas corpus proceedings the question of fact whether the petitioner had placed a substitute in his stead and had been discharged, and also the question of law whether such discharge exempted him from liability for service under the act of September 27, 1862. But the court agreed unanimously on the constitutionality of the conscription acts.<sup>49</sup>

In Virginia the court did not deal with conscription until the January term, 1864, when it held that Congress had the power to raise armies by contract or by coercion, but it had no power to make any contract which would limit its power later to call a citizen to service. The exemption granted for furnishing a substitute did not constitute a contract. It held further that Congress had no power to coerce state officers into the military service. "The state itself is the sole judge as to the officers that are necessary to the action of government."<sup>50</sup>

The conscription acts proper never came directly before the courts of the other states but were upheld by necessary implication in several of them. But the acts of December 28, 1863, January 5, 1864, and February 17, 1864, upheld in the Virginia and Texas cases already alluded to, were interpreted and upheld in North Carolina, Alabama, Georgia, and Mississippi. The Alabama decision, following immediately upon their passage, was upheld by a divided court in a brief and terse opinion.<sup>51</sup> Mississippi's interpretation of the acts was incidental in a decision denying the validity of an act of the legislature which authorized the retention in the militia of those liable to Confederate service.<sup>52</sup> The Georgia court at its March term, 1864, upheld the acts in several decisions. The one of chief importance dealt with three persons who had furnished substitutes and later had been called under the act of January 5, 1864. Two appealed from the decision of a judge at chambers who had refused discharge; the other had been discharged on the ground that the act was unconstitutional, and the enrolling officer had appealed. The decision

<sup>49</sup> *Ex parte Hill, in re Armistead v. Confederate States*, 38 Ala. 458.

<sup>50</sup> *Burroughs v. Peyton*, *Abrahams v. Same*, 16 Grattan, Va. 470. The only other Virginia case, *Mann v. Parke*, 16 Grattan, Va. 443, is unimportant.

<sup>51</sup> *Ex parte Tate*, 39 Ala. 254.

<sup>52</sup> *Simmons v. Miller*, 40 Miss. 1.

once again declared exemption not a right but a gratuitous privilege, revocable at the will of the legislature that granted it. The act, which provided that "no person shall be exempted from military service by reason of his having furnished a substitute," was declared constitutional.<sup>53</sup> In another case at the November term, the act of February 17 was explicitly upheld.<sup>54</sup> In several other cases, to be mentioned later in a different connection, the validity of the acts was reaffirmed.

The antecedents of the North Carolina decision require a rather extended discussion. In no other state of the Confederacy was there so great a recourse to the courts on constitutional grounds as in North Carolina. A highly individualistic population, containing a considerable element which had been lukewarm towards the Confederacy from the beginning, furnished a fertile soil for opposition to thrive. The fact that, although she had furnished more volunteers than any of the states, conscription was enforced there far more rigorously than elsewhere, combined with a quite noticeable "snubbing" of the state by ignoring the claims of her sons to military advancement, presumably because of the deliberation with which the cause of secession had been embraced, tended powerfully to increase this opposition as the hardships of war developed. All of which serves, in part at least, to explain the difference. In addition, the decisions of Chief Justice R. M. Pearson at chambers contributed, while, at the same time, they focused the attention of the entire South upon the court.<sup>55</sup>

No question involving the conscription or exemption acts came before the courts of North Carolina until the early months of 1863, but even before then a judicial opinion of the Chief Justice had given warning of future disagreement with the policy of the government. In habeas corpus proceedings he discharged a group of deserters arrested by the militia on the ground that the Governor had no authority to arrest deserters.<sup>56</sup>

<sup>53</sup> *Daly and Fitzgerald v. Harris—Harwell v. Cohen*, 33 Ga. Supp. 38.

<sup>54</sup> *Rogers v. Rhodes*, 34 Ga. 22.

<sup>55</sup> An extended discussion, by the author of this paper, of the course of judicial action in the state, will be found in "The North Carolina Courts and the Confederacy," *North Carolina Historical Review* (Raleigh, 1924-), IV (1928), 366-403.

<sup>56</sup> *Official Records*, Ser. I, Vol. II, Pt. II, 709. His decision was sound and Governor

By June 22, 1863, thirty habeas corpus cases had been brought before state judges, all but three before Pearson. Two of the Superior Court judges refused discharge and one granted it. Pearson refused nine and discharged eighteen. Most of these cases turned upon the status of a principal after the conscription of his substitute. In an elaborate opinion in the Irvin case,<sup>57</sup> Pearson ruled that substitutes were not made liable by the act of September, 1862, and released the applicant. To the contention that the act rendered the discharge of no effect, he replied: "A decent respect for our lawmakers forbids the courts from adopting a construction which leads to the conclusion that it was the intention, by the use of general words, to include within the operation of the act substitutes who were already bound for the war not for the purpose of affecting them, but for the indirect purpose of reaching parties who had furnished substitutes, and in that asserting a power which is at least doubtful and certainly involves repudiation and a want of good faith." Thereafter the impression was common in the state and elsewhere that an application to the Chief Justice brought surely a discharge. It was also widely but erroneously reported that he had declared the conscription acts unconstitutional. Thereafter he was the scapegoat of the army and Confederate officials generally. It is undoubtedly a fact that reports of his decisions had a bad effect upon those who sought a way to escape from military service. Confederate authorities showed little disposition to heed the decision, Judge John A. Campbell, assistant secretary of war, going so far as to say in official correspondence: "The decision . . . is not regarded by the Department as a sound exposition of the act of Congress and you will not regard it in your official action as such."<sup>58</sup> No orders to that effect were issued by the President,<sup>59</sup> but Secretary James A. Seddon wrote Governor Zebulon B. Vance, expressing the hope that he would make an effort to restrain "the too ready interposition of the judicial authority in these questions of military obligation." Vance re-

Vance had already unsuccessfully sought authority from both the legislature and Congress. After this decision he asked the President to order out the militia for the purpose.

<sup>57</sup> *In re Irvin*, 60 N. C. 59.

<sup>58</sup> Zebulon B. Vance Papers (North Carolina Historical Commission, Raleigh), II, 208.

<sup>59</sup> *Ibid.*, 371.

plied, asking, "Has the 'too ready interposition' of the judiciary in South Carolina and Georgia been rebuked for almost similar decisions rendered?" and declined to use his "influence in restraining or controlling that co-ordinate branch of the Government which intrudes upon nobody, usurps no authority, but is, on the contrary, in great danger of being overlapped and destroyed by the tendency of the times."<sup>60</sup>

Pearson was not checked by the opposition. In the *Meroney* case,<sup>61</sup> he reaffirmed his decision in the *Irvin* case, declaring that substitutes were not included in the act. Declining to regard the regulations of the Secretary of War as authoritative, he added: "It is said that the arrest . . . was ordered . . . because the Secretary of War does not consider the construction given to the conscription act of September 'a sound exposition of the act.' The enquiry naturally suggests itself, who made the Secretary of War a judge? He is not made so by the Constitution, Congress has no power to make him a judge, and has by no act signified an intention to do so." In another case he held that the construction of the conscription or exemption acts, like that of other acts of Congress, so far as they concerned the rights of a citizen, as distinguished from military regulations and rules, was a matter for the courts, and any construction put upon those acts by the officers of the executive department as to who was liable as a conscript, or who was entitled to exemption was subject to the decision of the judiciary. "This principle of constitutional law is so clear that I suppose it will be conceded by everyone."<sup>62</sup>

The Supreme Court met in June and administration supporters, including Vance, were hopeful of a reversal of the Chief Justice. One judge was ill and the court was held by Pearson and William H. Battle. Vance notified the court that the war department based its objection to the release of conscripts on the ground that the state courts had no jurisdiction. The court set a day for argument of the question as a necessary preliminary to the disposition of cases before it, and Vance invited the President to have the point argued by the Attorney General.

The first case was a petition for a writ of habeas corpus by a conscript

<sup>60</sup> *Official Records*, Ser. I, Vol. II, Pt. II, 714-16.

<sup>61</sup> *In re Meroney*, 60 N. C. 60 n.

<sup>62</sup> *In re Huie*, 60 N. C. 165.



who had furnished a substitute. The court asked for argument on the question of jurisdiction of state courts and judges to issue the writ and consider causes of detention, when it was under the authority of the Confederate government. The government was represented by Thomas Bragg, a former attorney general, and George Strong, the district attorney. After argument the judges in separate opinions concurred in the judgment that the state courts had jurisdiction and in denying that Congress had the power to make the Secretary of War a judge, or that it had manifested any intention of doing so. In the same way, after argument, the court decided that by common law and the state constitution and statutes, it had the power as a court to issue the writ and determine the case in open court. Finally the case was heard on its merits. The opinion, written by Pearson and based upon that in the Irvin and Meroney cases, held that a person, discharged after furnishing a substitute, could not be enrolled as a conscript. Battle concurred, but significantly asked whether Congress had the power to remedy the decision.<sup>63</sup>

Other cases heard at the same term are not important in this discussion.<sup>64</sup> After adjournment Pearson continued to issue the writ whenever applied for and to discharge those coming within the scope of the decisions outlined.<sup>65</sup> A few cases came before the other judges, but their

<sup>63</sup> *In re Bryan*, 60 N. C. 1.

<sup>64</sup> There were four of these and the decisions held: that an exempt, who was enrolled and in the field when the act was passed, was not entitled to a discharge (*In re Guyer*, 60 N. C. 66); that the trade of an exempt must be his regular occupation (*In re Grantham*, 60 N. C. 73); that a schoolmaster, who had not taught for a year, was not exempt (*In re Dollahite*, 60 N. C. 74); and that a conscript, who had put in a substitute after he was in the service, was exempt (*In re Ritter*, 60 N. C. 76).

<sup>65</sup> The opinions that are reported in 60 N. C. are as follows: that a member of the home guard, imprisoned for failure to obey the Governor's call to arrest deserters and conscripts, was entitled to release on the ground that the Governor had exceeded his authority (*In re Austin*, 60 N. C. 168); he held exempt: a militia officer, arrested by the Governor's order, after the exemption of militia officers (*In re Kirk*, 60 N. C. 186); a resident of Maryland, as an alien enemy (*In re Finley*, 60 N. C. 191); a principal who, before the passage of the conscription act, had furnished a substitute under eighteen years old (*In re Prince*, 60 N. C. 195); a constable conscripted and in the service (*In re Bradshaw*, 60 N. C. 379); a soldier who had become a mail contractor (*In re Sowers*, 60 N. C. 384); a dentist, on the ground that he was a physician (*In re Hunter*, 60 N. C. 372); an officer reduced to ranks and later appointed county commissioner (*In re Russell*, 60 N. C. 388); and a conscript who had furnished a substitute, and had already served sixteen months in the army (*In re Wyrick*, 60 N. C. 375); he refused to discharge a minister who had agreed to become a substitute and was conscripted while on his way to the army (*In re Curtis*, 60 N. C. 180).

practice and decisions varied widely from those of the Chief Justice. His colleague, Judge Battle, for example, referred all cases back to the counties of their origin for evidence before a court of record, with notice to enrolling officers to attend to examine witnesses and to offer testimony for the government.

Soon after the passage of the acts of December, 1863, and of January, 1864, a case involving the constitutionality of the acts came before Pearson. On January 27 Edward S. Walton applied for the writ on the ground that, having furnished a substitute for the war, he was exempt. Under an arrangement with the commandant of conscripts, the hearing was delayed until the government could be heard. After argument, the Chief Justice declared the acts void on the ground that they impaired the obligation of a contract. In the opinion, quite the weakest in the whole series of his war rulings, he ignored contrary decisions elsewhere, and overruled Judge R. S. French in North Carolina.<sup>66</sup> Pearson ordered Walton's discharge, but, upon intimation of Bragg, of Confederate counsel, that he would apply for a writ of certiorari, he bound Walton to appear at the next term of the Supreme Court.<sup>67</sup>

In the meantime he continued to discharge conscripts,<sup>68</sup> and that fact combined with his opinion in the Walton case, undoubtedly had considerable influence in inducing the President, however unwillingly, to recommend the suspension of the privilege of the writ of habeas corpus.<sup>69</sup> A number of efforts were made to influence the President to move slowly

<sup>66</sup> *Ex parte* Walton, 60 N. C. 350. In the opinion, Pearson said of Judge French's opinion: ". . . certainly, however great the necessity may be, it can never be *proper* for the Government to violate its own contract; and he fails to consider the consequences to which his doctrine leads—nothing more or less than this: Congress has power to do whatever it pleases, in order to raise and support an army!!! It may repudiate its bonds and notes now outstanding, a renovated currency being necessary to support the army, or it may conscript all *white women* between the ages of 16 and 60 to cook and bake for the soldiers, nurse at the hospitals, or serve in the ranks as soldiers, thus uprooting the foundations of society; or it may conscript the Governor, judges, and legislatures of the several States, put an end to 'State Rights,' and erect on the ruins a 'consolidated military despotism.' "

<sup>67</sup> This meant a long delay, as the court would not convene until June, and he had already suggested to Vance that the Chief Justice should be empowered to call a special term of the court. Such a law was passed in May. North Carolina *Laws*, 1864, Chap. 7.

<sup>68</sup> He discharged 115 during the first few months of 1864. *Official Records*, Ser. IV, Vol. III, 256.

<sup>69</sup> Richardson (ed.), *Messages and Papers of the Confederacy*, I, 395.

in relation to the North Carolina situation, and he agreed to respect the decision until the Supreme Court met when he anticipated there would be a reversal.<sup>70</sup> But he gave stern warning of his course if Pearson attempted to imprison a Confederate officer for contempt.<sup>71</sup>

At first, as has been seen, Pearson ignored the suspension of the writ and continued to issue it. Later in an elaborate opinion,<sup>72</sup> he declared it the purpose of the act for the writ to issue and, upon a proper certificate from the officer, to have further proceedings cease. His two colleagues both declared the act constitutional and held that if the cause of detention was not stated, the writ must issue, but if the stated cause fell under the prohibitions of the act, it must be declined.<sup>73</sup>

With everyone, including Pearson, certain that he would be overruled, the court met in June. Bragg and Strong, for the Confederate government, moved for a writ of certiorari, and, after argument, Pearson writing the opinion and Manly dissenting, the court decided that the decision on a writ of habeas corpus to free a person from restraint for any other cause than the commission of a crime was a judgment and subject to review by writ of error or certiorari.<sup>74</sup> The case was then heard on appeal. The decision, written by Battle, reversed Pearson's decision and upheld the constitutionality of both acts. It declared that, if a contract had been made, the government had the right to amend it, but that none had been made. Pearson dissented vigorously, if unconvincingly, stating that in spite of discussions with his colleagues and of contrary decisions in Virginia, Georgia, and Alabama, which, he said, having been made *post litem motam*, were not authoritative, he was convinced of the soundness of his own judgment. As to his colleagues, his own words illustrate his position; one, it may be said, not justified by their reasoning: "My Brothers *Battle* and *Manly* have put the decision on the only ground on which it is unanswerable, 'necessity knows no law'; for if the courts assume that the Government may act on that principle, there is no longer

<sup>70</sup> Thomas Bragg was particularly active and influential in this movement.

<sup>71</sup> *Official Records*, Ser. IV, Vol. III, 201.

<sup>72</sup> *In re Roseman*, 60 N. C. 368.

<sup>73</sup> *In re Long*, 60 N. C. 534; *in re Rafter*, 60 N. C. 537.

<sup>74</sup> *Walton v. Gatlin*, 60 N. C. 310.

room for argument. We may put aside the 'books' and indulge the hope that when peace again smiles on our country law will resume its sway. '*Inter arma silent leges.*'"<sup>75</sup>

The impressment acts, which were bitterly unpopular in many localities, produced only three cases, all in Georgia, which reached the higher courts. In *Cox and Hill v. Cummings*,<sup>76</sup> an owner brought suit against an officer who had impressed a large lot of sugar and declined to pay the market price. The court admitted fully the constitutionality of the law but denied the legality of the proceeding on the ground that there had not been just compensation.<sup>77</sup> In the second, some months later, the court held that the act did not provide for just compensation as guaranteed by the Constitution, and in the absence of proof that the price tendered was just, an impressment could not be sustained. "Where private property has been impressed under a statute which does not make provision for just compensation, the officer will be held to have taken it by violence, without lawful warrant or authority."<sup>78</sup> The third emphatically denied any constitutional authority for the impressment of buildings.<sup>79</sup>

A number of decisions, all coming from North Carolina, Georgia, and Alabama, dealt with service in the militia and home guard. In North Carolina, a bonded-exempt was held not liable to service in the home guard,<sup>80</sup> but a mail contractor was.<sup>81</sup> In Georgia Confederate tax officers

<sup>75</sup> *Gatlin v. Walton*, 60 N. C. 325.

<sup>76</sup> 33 Ga. 549.

<sup>77</sup> The opinion, written by Chief Justice Joseph H. Lumpkin, quoted with approval the following extract from Justice William Paterson's opinion in *Vanhorne's Lessee v. Dorrance*, 2 Dallas 304: "The proprietor stands afar off, a solitary and unprotected member of the community, and is stripped of his property without his consent, without a hearing, without notice, the value of the property judged (prejudged) without his participation or the intervention of a jury. If this be the legislation of a republican government in which the preservation of property is made sacred by the Constitution, I ask wherein it differs from the mandate of an *Asiatic* prince. Omnipotence in legislation is despotism. According to this doctrine, we are all mere tenants-at-will, holding our property at the mere pleasure of the Legislature. Precarious tenure! And yet we boast of property and its security, of laws, of Courts, of constitutions, and call ourselves free!"

<sup>78</sup> *Cunningham v. Campbell, et al.*, 33 Ga. 625.

<sup>79</sup> *White v. Ivey*, 34 Ga. 186.

<sup>80</sup> *Wood v. Bradshaw*, 60 N. C. 419. Judge Manly dissented. See, also, *Goodson v. Caldwell*, 60 N. C. 519.

<sup>81</sup> *Brindle v. Bradshaw*, 60 N. C. 514. In another case a mail driver was held not exempt from conscription. *Johnson v. Mallett*, 60 N. C. 511. The Georgia and Alabama

were declared not liable to the Governor's call to the militia.<sup>82</sup> In contrast to the North Carolina decision the court held bonded-exempts liable to militia duty.<sup>83</sup> The Alabama court, divided however, reached a similar conclusion, adding that otherwise they might be freed from all obligation to the state.<sup>84</sup> The Alabama court also held that a person, liable to the military service of the Confederacy, who had furnished a substitute was subject to militia duty,<sup>85</sup> but all males between seventeen and fifty, not shown to be exempt were constructively in Confederate service and so not liable.<sup>86</sup>

No uniformity of ruling was ever reached on the questions of the definition of state officers, and of their status. The Georgia court denied a discharge to a soldier who had been elected constable,<sup>87</sup> but, with a divided court, held that a soldier was entitled to a discharge upon being commissioned and qualified as a justice of the peace.<sup>88</sup> The Florida court held similarly as to county commissioners.<sup>89</sup> The North Carolina court held that a policeman was a state officer and exempt,<sup>90</sup> but it later held that a conscript when enrolled became a soldier, and that later appoint-

courts held mail contractors exempt from conscription. *Mandeville v. Daniel*, 33 Ga. 599; *Ex parte Lockhart, in re Mitchell*, 39 Ala. 450.

<sup>82</sup> *Cobb v. Stallings, Baldwin v. West*, 34 Ga. 72. The court cited *Jeffers v. Fair* as authority. The headnote thus summarized the finding: "If the militia laws of Georgia authorize such a call, they are in conflict with the revenue laws of the Confederate States which are a part of the supreme law of the land and must prevail."

<sup>83</sup> *Barber v. Irwin*, 34 Ga. 27.

<sup>84</sup> *State ex rel. Dawson, in re Strawbridge and Mays*, 39 Ala. 367.

<sup>85</sup> *Ex parte McCants*, 39 Ala. 107. See, also, *Swindle v. Brooks*, 34 Ga. 67.

<sup>86</sup> *State ex rel. Graham, in re Pille*, 39 Ala. 459. See, also, *State ex rel. Graham, in re Emerson*, 39 Ala. 437.

<sup>87</sup> *White and Bonham v. Sellars*, 34 Ga. 200.

<sup>88</sup> *Andrews v. Strong*, 33 Ga. Supp. 166. "The right of Congress to exercise its various grants of power in the imposition of a duty on a citizen of a State, and its exaction of his services, whenever it conflicts with the right of the State or the people to use or employ the person or services of the citizen, to administer, execute or fill any office in either of the departments of the State, according to its Constitution and laws must yield to the rights of the State and of the citizen as to a paramount one."

<sup>89</sup> *Hunt v. Finegan*, 11 Fla. 105.

<sup>90</sup> *Johnson v. Mallett*, 60 N. C. 410. This decision was particularly important in its effect upon the policy of the state administration. Governor Vance regarded it as a final decision of a controversy in which he was involved with the war department and proceeded to act upon it. See *Official Records*, Ser. IV, Vol. III, 375-755.

ment to state office did not entitle him to discharge,<sup>91</sup> and later still, that an appointment to state office of one in military service was void unless the office was recognized as essential by the state constitution.<sup>92</sup>

The question whether a conscript was entitled to discharge at fifty came before the courts of North Carolina, Alabama, and Georgia. The North Carolina court held in two cases that the conscript was bound for the war, and, in one, that he was entitled to discharge.<sup>93</sup> In the Alabama decision, Chief Justice Walker, after mentioning the North Carolina decision and a similar one by Judge John W. Brockenbrough of the Virginia Confederate court, expressed the belief that Congress did not so intend, but in the interest of harmony and uniformity, the court had yielded to them as authority.<sup>94</sup> The Georgia court took the opposite view,<sup>95</sup> quoting and disagreeing with the North Carolina case.

The constitutionality of the habeas corpus act, though denied by the legislatures of North Carolina, Georgia, and Mississippi,<sup>96</sup> was not passed upon by any state supreme court, though there were many interpretations of it. Before the passage of the act, an enrolling officer in Georgia denied the authority of the writ issued by a state court on the ground that since the petitioner was liable to military duty and was enrolled, his case was within the limits of sovereignty assigned by the Constitution to the Confederate States. The opinion, distinguishing between political power and sovereignty as not convertible terms, declared that the state and Confederate governments, severally, exercised portions of the former, while the latter abided unimpaired in the people of each state, but that the Confederate government within the range of its delegated powers, was entitled to implicit obedience. The claim that "no other power can, through its judiciary, interpret its acts. It would be an

<sup>91</sup> *Smith v. Prior*, 60 N. C. 417, reversing Pearson.

<sup>92</sup> *Bridgman v. Mallett*, 60 N. C. 500. Battle wrote the decision reversing himself.

<sup>93</sup> *Haswell v. Mallett*, 60 N. C. 433; *McDaniel v. Trull*, 60 N. C. 399; and *Kesler v. Brawley*, 60 N. C. 402.

<sup>94</sup> *Ex parte Starke, in re Purviance*, 39 Ala. 475.

<sup>95</sup> *Smith v. Harris*, 34 Ga. 181.

<sup>96</sup> North Carolina *Laws*, Adjourned Sess., 1864, pp. 21-23; *ibid.*, 1865, p. 39; Georgia *Acts*, Called Sess., 1864, No. 39, p. 152; Mississippi *Laws*, Called Sess., 1864, Chap. LXVII, 91.

infringement of its sovereignty" was utterly and sternly denied.<sup>97</sup> In this decision much reliance was placed upon decisions of the United States Supreme Court and those of New York and Massachusetts.<sup>98</sup>

There were no other cases that might be regarded as establishing any principle or illustrating important tendencies. The rest dealt entirely with details of execution of the laws and their interpretation, such as the questions of the exemption of ministers,<sup>99</sup> physicians,<sup>100</sup> overseers,<sup>101</sup> newspaper men,<sup>102</sup> and arms contractors;<sup>103</sup> the power of the Confederate States to send conscripts to a medical board a second time,<sup>104</sup> and to create such a board, whose decisions should not be subject to judicial review,<sup>105</sup> the constitutionality of enrolling for light duty of those exempt for disability,<sup>106</sup> and the like.<sup>107</sup>

It is clear that by the middle of 1864 the state courts had all fully accepted the military power of the Confederacy. Even Chief Justice Pearson, its most consistent and logical opponent among all the judges—as well as the most interesting and colorful judicial figure in the Confederacy—however great his disagreement with his colleagues, yielded in good faith to their decisions. Possibly it was too late; the time for unanimity of judgment was earlier. And, yet, it should be said that most of those who have discussed Judge Pearson and other judges who failed to agree with the majority have never given due credit to them for the courage

<sup>97</sup> *Mims and Burdett v. Wimberly*, 33 Ga. 587.

<sup>98</sup> *Cohens v. Va.*, 6 Wheaton 264; *Smith v. McIver*, 9 Wheaton 532; *Case of Stacy*, 10 Johnson, N. Y. 328; *Kent's Commentaries*, I, 400; *Commonwealth v. Harrison*, 11 Mass. 63; *Commonwealth v. Cushing*, 11 Mass. 67.

<sup>99</sup> *King v. Daniel*, 11 Fla. 91; *Ex parte Cain*, 39 Ala. 440.

<sup>100</sup> *Cook v. Fernandez*, 11 Fla. 100.

<sup>101</sup> *Ex parte Graham*, 13 Richardson, S. C. 277; *Camfield v. Patterson*, 33 Ga. 561; *Gates v. McManus*, 33 Ga. Supp. 67; *Hooks v. Harris*, 33 Ga. Supp. 81; *White v. Mallett*, 60 N. C. 430.

<sup>102</sup> *Upchurch v. Scott*, 60 N. C. 521.

<sup>103</sup> *Ansley v. Starr*, 34 Ga. 85.

<sup>104</sup> *Ex parte Bolling, in re Gaffney*, 39 Ala. 611.

<sup>105</sup> *Scott v. Lazenby*, 33 Ga. Supp. 134.

<sup>106</sup> *Parker v. Kaughman*, 34 Ga. 136.

<sup>107</sup> Other miscellaneous cases dealt with the claim of a boy, enlisted in the militia at sixteen, who later sought exemption from conscription (*Ex parte Bolling, in re Watts*, 39 Ala. 609); and with the attempt of a soldier to secure relief, by a writ of habeas corpus from abuse of military authority (*Cox v. Gee*, 60 N. C. 516).

they displayed, amidst all the clamor and passion of war, in interpreting the law as they saw it—a biased view, perhaps, as are most judicial opinions where the law is doubtful.

The story of this aspect of Confederate constitutional experience makes it sufficiently clear, I think, that the Confederate States derived no benefit from the absence of a national supreme tribunal, but rather the reverse. Certainly the Confederate government would have been strengthened if it had been spared the delays, uncertainties, and antagonisms which resulted from its dependence, potentially, upon eleven courts, each of last resort, interpreting separately the organic law. The wonder is, that so much uniformity of construction was finally attained and the Confederate government so generally upheld.



# Florida Versus the Principles of Populism 1896-1911

By KATHRYN T. ABBEY

The history of Populism in Florida was short rather than sweet.<sup>1</sup> By the 1880's the state had emerged from the aftermath of war; political control was again restored to the Democratic party which had the good fortune to be led by individuals belonging to the postwar rather than the ante-bellum days. Of these one of the ablest and most respected was William D. Bloxham, accredited with being the nucleus of reorganized Democracy. Conditions among the farmers of North Florida shared the general problems of the South arising chiefly from changed labor status and money scarcity, but this did not tell the whole tale. South and central Florida were discovering themselves, thus giving new and varied economic outlets to the state. The peninsular region was engrossed in the expansion and marketing of its fruits and vegetables, the exploitation of its resources, the attraction of new settlers, and the growth of economic facilities. Populism, therefore, had to reconcile two widely divergent points of view and objectives.

It is not the province of this discussion to tell the story of the Farmers' Alliance movement in Florida. Suffice it to say that this prelude to Populism began as early as 1887 with the arrival of Oswald Wilson and James B. Young, organizers from Texas.<sup>2</sup> Membership spread with satisfying rapidity, especially in the northern part of the state, and by April, 1890, alliances were flourishing in all but four counties.<sup>3</sup> Supposedly

<sup>1</sup> This paper was read at the annual meeting of the Southern Historical Association, Chapel Hill, North Carolina, November 19, 1937.

<sup>2</sup> James O. Knauss, "The Farmers' Alliance in Florida," in *South Atlantic Quarterly* (Durham, 1902-), XXV (1926), 301.

<sup>3</sup> The four counties were Franklin, Lee, Dade, and Monroe.

half the voting population of the state supported its principles; the Democratic State Convention of 1890, it was asserted, was dominated by Alliance members to such a degree that its "platform was as much a declaration of Alliance views as of Democratic doctrine."<sup>4</sup> The majority of the legislature of 1891 was pro-Alliance and the next year the People's party supported a gubernatorial candidate, A. P. Baskin, who polled 8,309 votes against his opponent's 32,064 and carried five northern counties.

But this enthusiastic support by the people of Florida failed to be paralleled by achievements. The Alliance undertook to teach improvement of agricultural method and to promote co-operative buying and selling. It did open a Florida Exchange in Jacksonville in May, 1888, and eventually developed ten branches in as many counties. But although the enterprise transacted a respectable amount of business, it was far from proving the success anticipated and was closed down in 1892.<sup>5</sup>

From the political arena came a like story. The high point of Florida Populism was the Ocala Convention of the National Farmers' Alliance held in June, 1890. To the Floridians issuing the invitation the convention had advertising as well as other possibilities. No effort was spared to impress the visitors with the charms and hospitality of the commonwealth. In addition to extensive free entertainment which included trips to neighboring points of interest, 1,000 boxes of oranges were distributed among the guests and an elaborate exhibit of Florida products prepared. Such a royal welcome gave the appearance that the organization was irresistible in the state, but shrewd politicians knew better. The famous Ocala Demands divided the conservative and radical wings of the party, placing control definitely in the hands of the latter.<sup>6</sup> Thereafter Florida Alliance strength began to waver and disintegrate.

Despite its Alliance dominance, the legislature of 1891 gave a poor demonstration of policy and ability. Most of the time was spent electing a senator, the balloting lasting from April 12 to May 26 before the necessary two thirds could be achieved. Little else of importance was

<sup>4</sup> Knauss, "Farmers' Alliance in Florida," in *loc. cit.*, 304.

<sup>5</sup> *Ibid.*, 305-307.

<sup>6</sup> *Ibid.*, 309-13.

done save the repeal of the Railroad Commission law which was put across either by the railroad interests or by the Alliance out of pique with the Governor. In either case the result was bad, for the dissolution of the Railroad Commission cost the farmers thousands of dollars in the next few years. When the Populist party was definitely organized, the Florida Alliance joined and nominated an avowed Populist for governor in 1892. By this time membership in the group had shrunk nearly three fourths, however, so that as Populism rose in national affairs it declined within the state.

The final nail in the coffin of Florida Populism was the election of 1896. Besides the fact that the national party espoused the basic principles of Populism and chose Bryan to be its standard bearer, there were local situations which aided in restoring prodigal sons to the paternal fireside of true Democracy. The state Democrats nominated Bloxham,<sup>7</sup> whose claim to public respect has already been mentioned. Although his private endorsement of many of the Bryan planks might be questioned, there is no doubt of his honest support of them during the campaign. More potent than the character of the Democratic nominee was the increased Republican activity. Little was done in Florida with the gold Democratic split, but the Republicans sought to capitalize on the anti-Bryan sentiment by strengthening the "lily-white" who put up a ticket of the same pure hue headed by E. R. Gunby.<sup>8</sup> Thus Populist sympathizers faced a dilemma. Obviously a minority who had no chance of electing their own candidate, William A. Weeks, they could either return to the Democratic camp which had espoused most of their principles or stand out for their identity and divide the white vote. That this was recognized by leaders was clear from the start. Almost no time was devoted to state questions; speakers urged the people to accept Bryan

<sup>7</sup> William D. Bloxham (1835-1911) entered political life during reconstruction days. In 1870 he was the successful candidate for lieutenant governor, but two years later he was defeated for governor. In 1876 he was one of the most active forces working for the election of a Democratic executive and thus helped to emancipate Florida from Republican rule. He served as governor from 1881 to 1885. At the time of his election for a second term (1896) he was comptroller. See Julien C. Yonge, "William Dunnington Bloxham," in *Dictionary of American Biography*, 20 vols. (New York, 1928-1936), II, 394-95.

<sup>8</sup> Rowland H. Rerick, *Memoirs of Florida*, 2 vols. (Atlanta, 1902), I, 390.

and Seward if they really wished reform to triumph and white control to survive.<sup>9</sup> The Populists for their part criticized candidates rather than party planks by maintaining that the reform garments of the ticket were donned for the occasion and did not represent convictions at all. Once the votes had been won, swift and sure would be the suppression of the measures so blithely advocated during the campaign. "Should such a calamity [the election of Bloxham] befall the people," asserted Weeks, "selfish interests and corporate privileges will be increased at an enormous cost to the people and still further sacrifices of the people's rights and essential prerogatives will follow."<sup>10</sup> But Populist efforts were half-hearted at best; for example, when Weeks arrived at Madison for a meeting he found no publicity and hence no audience.<sup>11</sup> A month before the finish, prophets gave Bryan and Bloxham a two-thirds plurality, forecasts not far from correct.<sup>12</sup> After the election in October, the Populists recognized the inevitable by offering to combine with the Democrats on the general election ticket in November.<sup>13</sup>

Thus ended Populism in Florida, but its influence continued within Democratic ranks where the leadership after 1896 was definitely liberal. For example, Napoleon B. Broward, who was elected governor in 1904, had been an ardent supporter of railroad regulation for years. Another liberal was W. S. Jennings, governor from 1901 to 1905. There could be no more violent attack on corporate abuses than the campaign speeches of J. N. C. Stockton during his race for the United States Senate in 1903.<sup>14</sup> Former Populists found active careers within the party; Weeks himself held a seat in the state legislature for many years.

In addition to this fusion between the erstwhile enemies, the Florida of forty years ago stood on the brink of her contemporary career. Prosperity is always devastating to radicalism and Florida began to taste that

<sup>9</sup> Jacksonville *Times-Union*, August 26, 31, September 14, 1896.

<sup>10</sup> "Senator Weeks' Letter of Acceptance of the Populist Nomination for Governor," in *Supplement to the Macclenny Sentinel*, September, 1896.

<sup>11</sup> Jacksonville *Times-Union*, September 9, 1896.

<sup>12</sup> *Ibid.*, September 16, October 11, 1896.

<sup>13</sup> *Ibid.*, October 10, 1896.

<sup>14</sup> *Speech of J. N. C. Stockton at Punta Gorda, August 25, 1903* (Jacksonville, 1903). Copy in P. K. Yonge Library, Pensacola.

delectable state. Her self-exploitation was overwhelmingly absorbing; much of the effort of the legislatures was spent in such things as county division, extension of municipal organization, etc. But despite these considerations there was a line of Populist thought which ran through the life of the state like the famous red thread through the rope of the British navy. The heyday of unbridled business enterprise was definitely over; municipally owned public utilities began to replace private corporations. Public education turned the corner toward greater activity than ever before while the railroads received the regulation they had richly deserved for years. As space does not permit a discussion of all these issues, the last named has been selected as the one most clearly bearing the stamp of Populist influence.

Since the purchase of Florida from Spain, the question of transportation had been of paramount importance. Only through solving the problem of its vast distances could the region attract the settlement necessary to develop its economic possibilities. Transportation always presented particular difficulties because Florida was and still is a "terminal" state originating its own business rather than contributing to a transit system. Furthermore, scattered areas of settlement made any method of communication unusually expensive. Because transportation was so vital to the life of the people, there was reluctance to place any restriction on those inclined to establish such enterprises, with the result that abuses sprang up with mushroom-like speed and flourished for years. In justice to the railroads, however, it must be borne in mind that not all made profits or even survived. The process of waiting for the country to grow up to its facilities took as great a toll in Florida as in other parts of the United States.

The first battle with the roads antedated the Populist movement and arose over the question of taxation. In 1855 a general provision for the construction of railroads exempted them from taxes<sup>15</sup> and for thirty years thereafter all the lines built claimed that privilege.<sup>16</sup> Finally, the legislature of 1881 authorized the Attorney General to bring suits against

<sup>15</sup> *Laws of Florida*, 1855, Chap. 610, p. 10.

<sup>16</sup> Rerick, *Memoirs of Florida*, II, 207 ff.

existing companies, stating that the exemption applied only to those operating specifically under the particular law.<sup>17</sup>

A second step in railroad regulation was made necessary by the overbuilding of the 1880's, which deposited one third the mileage of the state in the hands of receivers. Accordingly, the first Railroad Commission was created in 1887 on the Governor's recommendation. It consisted of three members appointed for a term of four years by the governor with the consent of the Senate. Jurisdiction of the Commission included fixing just and reasonable rates, arranging terms of short and long hauls, providing against discriminations, and making schedules. Protests against rulings of the Commission could be made to a Board of Revisors composed of the comptroller, secretary of state, attorney general, treasurer, and commissioner of agriculture.<sup>18</sup> The life of the Commission was brief—only four years—although its performance had been good and its rulings generally acceptable. Of course, it was never liked by the roads. The cause of its demise, which occurred during the legislative session of 1891, was political rather than economic. Reports circulated in May that the Governor intended appointing his secretary, a railroad advocate, to fill a vacancy on the Commission.<sup>19</sup> As the people wanted a man identified with their interests, this rumor roused a storm of protest followed by a bill providing for the election of commissioners which, however, did not pass.<sup>20</sup> The issue rode along until it was virtually too late to get a Senate confirmation on any appointment and before the session ended the whole Commission was legislated into oblivion.<sup>21</sup> Whether this was a gesture to frustrate control of the Commission by the roads or a move on the part of the roads to rid themselves of unwelcome regulation is hard to say. Evidence favors the former. The measure was a mistake from any angle; for the roads made hay in the sunshine, the growers lost thousands of dollars, and a new and more powerful commission became inevitable. Attempts to revive it appeared almost at once. A delegation

<sup>17</sup> *Florida House Journal*, 1881, *passim*; *Florida Senate Journal*, 1881, *passim*.

<sup>18</sup> *Laws of Florida*, 1887, Chap. 3746, No. 66, pp. 118 ff.

<sup>19</sup> *Jacksonville Times-Union*, May 8, 1891.

<sup>20</sup> *Florida House Journal*, 1891, *passim*; *Florida Senate Journal*, 1891, *passim*.

<sup>21</sup> *Laws of Florida*, 1891, Chap. 4068, No. 59, p. 109.

of merchants and brokers—among them the future governor, Napoleon B. Broward—met with a joint committee from the House and Senate in 1893 to urge redress for rebate abuses. The legislature did introduce a measure re-establishing a commission, which failed to pass by only a few votes. It was claimed that both the Governor and the chairman of the State Democratic Committee were sympathetic to the roads.<sup>22</sup>

The creation of a second railroad commission was one of the most significant achievements of the legislature of 1897, which represented reunited Populists and Democrats. It was an issue about which the people felt strongly; indeed, one of the few local questions injected into the campaign had been Bloxham's attitude toward a new commission. Simultaneously with the opening of the legislature had occurred a series of hearings by the Interstate Commerce Commission on the Vegetable Cases, which represented protests of South Florida growers against unfair rates. They were attended by a joint committee of House and Senate which testified in behalf of the growers and assisted in the legal organization of the charges.<sup>23</sup> Complaints against the roads may be summarized as follows: (1) The roads had been compensating themselves for competition met in interstate traffic through intrastate rates. Freight was shipped past its destination to a central point of deposit and then returned by payment of a local rate. (2) Rates were fixed according to the changing value of the product instead of the service rendered. (3) Routes which were competitive had lower rates than those not so blessed. A barrel of cabbage could be shipped from Jacksonville to New York for 60 cents but the reverse trip on the same road cost but 27 cents. The explanation given by the roads was that the cabbages could start from New York by any of several routes. (4) The growers received whatever quality of service the roads saw fit to give with no chance of redress. The roads countered by declaring that if they wished to make only a "slight profit" on their investment the rates could not be lowered.

<sup>22</sup> Napoleon B. Broward. *Autobiography, Platform . . .* (n.p., n.d.). Pamphlet issued at the time of Broward's campaign for governor, 1904. Copy in P. K. Yonge Library, Pensacola.

<sup>23</sup> T. A. Darby and Alfred Ayer of the Senate and House, respectively, were the members of the joint committee.

To this Senator T. A. Darby of the joint committee asserted that the companies were keeping the state underdeveloped by discouraging settlement and economic advancement to pay for an investment estimated at twice its real value.<sup>24</sup>

But the growers were not the only victims. Phosphate miners had an equally long list of grievances and the rebate practice exercised a very real control over general business growth. In Jacksonville the C. B. Rogers Company was said to have received over a seven-year period an average of \$36,000 per annum in rebates from the Florida Central and Peninsular Railroad. As a result of this unfair competition numerous wholesale houses failed and went out of business.<sup>25</sup>

While many of the abuses were interstate, it was obvious that Florida could help herself in innumerable ways, hence the pressure for a new commission. Bills to this end were introduced in both houses early in the session and met with a unanimity of spirit and harmony of action rare indeed in legislatures. The Senate scored the first home run, for its measure (the famous Number 71) was introduced on April 13, reported by the Committee on Railroads three days later, read for the second time on April 19, and passed twenty-four to two on April 24. The roads had not gone down without a fight; John Hartridge, their defender, had tried manfully to assure them a profit of 4 per cent and failing that, to minimize the powers of the Commission, but his amendments were voted down by large majorities.<sup>26</sup>

In the House, matters had not progressed with such dispatch, even though its bills had been introduced earlier. This may account for the fact that when news of the Senate action was received—with cheers, according to the Jacksonville *Times-Union* which disapproved the step—the House accepted it in lieu of its own bill and passed it almost intact by a vote of fifty-eight to three. The Senate concurred in the changes without debate and the Railroad Commission law went to the Governor for his signature. True to his campaign statement, Bloxham did not

<sup>24</sup> Report of the joint committee, in *Florida Senate Journal*, 1897, pp. 1150-1202; *Florida House Journal*, 1897, pp. 1251-70.

<sup>25</sup> *Speech of J. N. C. Stockton at Punta Gorda, August 25, 1903.*

<sup>26</sup> *Florida Senate Journal*, 1897, *passim*.



veto the bill; it became law without his signature by virtue of the five-day clause.

The law was regarded by the roads in anything but a favorable light; it "made" the *Railway Age* in three separate issues and even the New York *Post* deplored the ingratitude of a commonwealth which more than any other Southern state had received the benefits of invested capital.<sup>27</sup> Within Florida the *Times-Union*, one of the most widely circulated papers, ranged itself with the roads and even urged the Governor to veto the bill. The burden of criticism rested on the extensive control which the Commission was to exercise. "Practical confiscation" would be possible, declared the New York *Post*; while the *Times-Union* added, "It is possible to right the wrong that may be done an individual by a railroad company without turning its property over to three men empowered to bankrupt the owners at their pleasure."<sup>28</sup> The *Railway Age* rattled the skeleton bones by giving a list of projected railroad expansion amounting to some 1,700 miles and lugubriously prophesying that not one fifth would be built if the law remained on the statute books.<sup>29</sup> Florida was a pioneer state, all agreed, and had no business destroying the confidence of capital which she needed so desperately; indeed, philosophized one critic, "Security in holding and freedom in using property is what chiefly distinguishes civilization from barbarism."<sup>30</sup>

Before discussing the terms of the much berated law, it might be well to consider two other projects of legislation which the railroads seemed not to notice. One of the blatant abuses of the time was the overgenerous use of railroad passes where they would do the most good. Instead of "join the Navy and see the world," politically minded residents had many opportunities to join the railroad and see Florida. Likewise, there was abundant evidence of cash openhandedness. Both practices were attacked by the House in their early days. Starting as a remedy for the misuse of passes, a law was enacted prohibiting any corporation operat-

<sup>27</sup> Extract from the New York *Post*, quoted in the Jacksonville *Times-Union*, May 4, 1897.

<sup>28</sup> Jacksonville *Times-Union*, May 4, 1897.

<sup>29</sup> *Railway Age*, June 4, 1897, quoted in Jacksonville *Times-Union*, June 7, 1897.

<sup>30</sup> Jacksonville *Times-Union*, April 29, 1897.

ing in the state from contributing in any way to a party, organization, committee, or individual for political purposes, or from influencing legislation or seeking to promote or defeat any candidate for office or nomination. Once again both houses worked together. The Senate substituted its own wording for that recieved from the House and the latter accepted it without debate.<sup>31</sup>

The second effort was directed toward forcing the railroads to provide cattle protection. Those of us who have encountered this aspect of cattle culture on railroad and highway are inclined to sympathize with the roads rather than the farmers, but such was not the temper of the legislature. The issue was real, for the vast tracts of wilderness were used by cattlemen for pasturage; in fact, it was not uncommon for individuals to own cattle but little land. Bills to force the roads to post lists of cattle killed and to buy the carcasses were introduced but failed to pass. Two years later a stiffer dose was administered; by the law of 1899 railroads were ordered to start fencing their tracks within sixty days and complete the job within two years. Those failing to comply were liable for the full value of the cattle killed.<sup>32</sup>

But to return to the Railroad Commission law of 1897<sup>33</sup>—three commissioners, one a lawyer, one a railroad man, and one an agriculturist, were appointed for two years by the Governor with the consent of the Senate. Thereafter the people elected the commissioners without regard to vocation for a term of four years. The position, which carried a salary of \$2,500, could not be filled by anyone who held railroad stock or was employed by a railroad; should a member become involved during his term of office, he would at once be disqualified. The Commission chose its own chairman. The law also provided for a secretary drawing a salary of \$1,200 and for an annual expenditure not exceeding \$1,500. Headquarters were fixed at Tallahassee but sessions could be held any place in the state.

Extensive powers were vested in the Commission. Not only could it investigate and adjust claims of overcharge, but it had authority to make

<sup>31</sup> *Florida House Journal*, 1897, *passim*; *Florida Senate Journal*, 1897, *passim*.

<sup>32</sup> *Laws of Florida*, 1899, Chap. 4706, No. 45, p. 98.

<sup>33</sup> *Ibid.*, 1897, Chap. 4538, No. 24, pp. 72-73.

"reasonable and just" freight and passenger tariffs and prevent bonuses and rebates or "other devices . . . for the purpose of deceiving or misleading the public as to the actual rate charged." The establishment of depots and the interchange of traffic between roads, including refrigeration, storage, wharfage, etc., were also assigned to them. To facilitate these powers, the Commission had access to the papers and books of the railroads; it was to supervise all contracts made between roads for doing business within the state, and receive once a year (in August) a detailed statement from each corporation concerning its condition. At hearings held by the Commission witnesses might be subpoenaed and oaths could be administered. Prosecution for failure to comply with rulings could be instituted through the attorney general's office. In addition to intrastate business, the Commission had the right to call flagrant abuses to the attention of the Interstate Commerce Commission, should protests to the carriers themselves fall upon deaf ears. The Commission was itself limited by requirements concerning the holding of hearings, the publication of schedules, rulings, etc.; it also reported to the governor annually.

The law was a thorough and determined effort to establish a permanent agent for remedying abuses of transportation facilities in the state and to place that agent under popular direction. Not only was the jurisdiction of this agent carefully worked out, but the objects of its application, namely the "carriers," were specifically and broadly defined. The essential soundness of the measure was borne out by its performance in the first few years of its existence. Subsequent legislation clarified the details of its activities and extended its powers as occasion demanded, but its fundamental basis remained unchanged. Furthermore, its reports indicate that not only did it improve conditions for the growers and the business men but the roads progressed and developed also. Nevertheless, the concept of the Commission was undoubtedly radical. As the *Times-Union* expressed it, "The Commission in a nutshell is to be vested with legislative, executive, judicial, and dictatorial powers, world without end," and the editor did not add an approving "amen."<sup>84</sup>

Appointments to the Commission received general approval even from

<sup>84</sup> Jacksonville *Times-Union*, April 20, 1897.

those to whom the law had been a denial of civilization and the sacred rights of property. They were R. H. M. Davidson, chairman, H. E. Day, and John M. Bryan. Of these, Davidson was apparently the best known. He had participated in state politics before 1860 and subsequently served fourteen years in Congress. The task before the Commission was heavy. It had to adjust rates in such a way as not to frighten legitimate capital expansion as well as establish confidence in the Commission itself. For the first years it did not dare become involved in litigation, for a few adverse decisions would cripple its effectiveness. It also had to overcome the reluctance of the growers and other business interests to complain and testify against the carriers.<sup>35</sup>

The first problem to be tackled was the matter of freight rates. In this the Commission adopted the straight mileage basis already used by many roads, thus eliminating the injustice of paying two or more freights over the same system. A reduction of 3 cents per box on cabbages and 4 cents per box on oranges netted from \$30,000 to \$40,000 to the growers the first year, 1897-1898. Passenger rates of 4 cents per mile were continued, provided mileage books at 2½ cents were sold. The object of the Commission was to insure a reduction to the people of the state without upsetting rates to tourists, who were more interested in service than economy and were supposed to be in that blissful state where money did not matter.<sup>36</sup>

During the years 1900-1901 the Board was strengthened by three important Supreme Court decisions. The Jacksonville Terminal Case upheld the powers of the Commission to compel the Jacksonville Terminal Company to admit the Atlantic, Valdosta, and Western Railway Company to its union station and facilities. This caused the compromise of the Passenger Rates Case whereby the roads agreed to maintain round-trip tickets and mileage books at 3 cents per mile. The third case, that of the Trustees of the Pensacola and Atlantic Railroad, freed the Commission from an injunction suspending all rate regulations on the ground

<sup>35</sup> *Report of the Railroad Commission*, 1901 (Tallahassee). See general discussion on the condition of the roads.

<sup>36</sup> *Ibid.* See discussion of the Passenger Rates Case.

that the road could not pay its bonds if it met the fixed schedules.<sup>37</sup> Thereafter respect for the Commission noticeably increased as well as the willingness of the plaintiffs to prefer charges.

In 1907 the theory of railroad regulation received support from an unexpected quarter. Complaints had been piling up against the Atlantic Coast Line for failure to repair its tracks. The state of dilapidation jeopardized the safety of both passengers and freight; around Ocala the ties were so worn that the nails could be lifted out by hand and the rails shifted about. As the Attorney General held that the Commission had no jurisdiction, he brought suit on the common law principle of the obligations of a corporation. Branding such a concept as "worse than Bryanism," the roads rallied to the fray; but such had been the development of legal thinking that the Supreme Court sided with the Attorney General. The basis of this decision is sufficiently important to warrant its expression in the words of the court:

The service rendered by a common carrier directly and vitally affects the public. To have such service properly rendered is a beneficial right which the public is entitled to enjoy. If the service is not properly rendered, it causes loss and inconvenience to the public and perhaps endangers the lives and property of all those to whom it is extended; therefore, it is a fundamental duty of the state to rigidly require a proper rendering of this useful public service.<sup>38</sup>

Much water had passed beneath the bridge in the ten years between this decision and the *Times-Union* editorial regarding the untouchableness of invested capital.

Each year the Commission made its report to the governor and on legislative years included suggestions for the expansion and improvement of the law. It is interesting to note how frequently the response was favorable as legislature and Commission worked together for the establishment of the principle in sound practice. Jurisdiction of the Commission was enlarged to include passenger terminal and union depot companies, steamship and water craft lines, telephone and telegraph corporations. After the Atlantic Coast Line Case mentioned above, super-

<sup>37</sup> *Ibid.* See discussions of the Passenger Rates Case, the Jacksonville Terminal Case, and the Trustees of the Pensacola and Atlantic Railroad.

<sup>38</sup> State *ex rel.* Ellis, Atty. Gen. *v.* Atlantic Coast Line R. Co., 53 Fla. 673 (1907).

vision over the physical condition of the roads was vested in the Board and an engineer employed to carry it out.<sup>39</sup> In 1911 all consolidation, leasing, or purchasing of lines was subject to the Commission's approval.<sup>40</sup> As the Commission grew stronger, its record of litigation increased to such proportions that in 1907 it employed a general counsel.<sup>41</sup>

By 1911 the Commission had passed out of the experimental stage and become a valued agent of the state. As has been said before, its development was not the only aspect of the Populist influence. In a broad sense, most of the socialized trends of the contemporary scene are akin to it; but the problem of railroad legislation remains as the issue which not only influenced the spread of Populist support in Florida, but was worked out in the wake of that movement by individuals who had previously counted themselves in its ranks.

<sup>39</sup> *Laws of Florida*, 1907, Chap. 5622, No. 27, p. 106.

<sup>40</sup> *Ibid.*, 1911, Chap. 6230, No. 111, p. 199.

<sup>41</sup> Authorization of a special counsel was made by the legislature of 1907. L. C. Massey was the first to hold the position. *Report of the Railroad Commission*, 1908 (Tallahassee).

# Geographical Misconceptions of the Southeast in the Cartography of the Seventeenth and Eighteenth Centuries<sup>1</sup>

By WILLIAM PATTERSON CUMMING

"The incorrectness of early maps," wrote Justin Winsor, "is an index of contemporary ideas, with which the historian finds it indispensable to deal."<sup>2</sup> Among the most marked and persistent errors in the early geographical conception of the North American continent were the delineation of the great island of California, the number and location of the five Great Lakes, and the placing of a large lake in the southeastern part of the continent.<sup>3</sup> While increased knowledge gradually led to the union of California to the mainland and to a slowly improving conception of

<sup>1</sup> This article is part of a study being made under a grant by the Social Science Research Council, the aid of which is here gratefully acknowledged.

<sup>2</sup> Justin Winsor, *A Narrative and Critical History of America*, 8 vols. (Boston, 1889), V, 338, 1. Winsor is commenting on John Lederer's map, which is discussed in this article.

<sup>3</sup> The chief misconception of the sixteenth-century cartographers concerning this region was "Verrazano's Sea," a great bay or gulf of the "South India Sea" which, according to Verrazano, left only a narrow isthmus between the Atlantic and Pacific oceans. It is evident from Verrazano's accounts that while sailing along the Banks of North Carolina in 1524, he mistook Pamlico or Albemarle Sound for an ocean which extended to the East Indies and China. Cf. I. N. P. Stokes, *Iconography of Manhattan Island, 1498-1909*, 6 vols. (New York, 1915-1928), II, 12, 38. The Maggiolo (1527), Verrazano (1529), and Hakluyt-Lok (1582) maps show the Verrazano Sea; two manuscript maps, Harleian (ca. 1536, British Museum Add. MS. 5413) and John White ("La Virgenia Pars," 1585, in the John White Drawings in the British Museum), show a strait leading from Port Royal to the South Sea; and the Le Moyne map apparently shows the sea in the upper left hand corner. A discussion of Verrazano's influence on early cartography is found in B. F. de Costa, *Verrazano the Explorer* (New York, 1881), 50-63; and in H. HARRISSE, *Decouverte et Evolution Cartographique de Terre-Neuve* (London, 1900), 146 ff. Later maps usually place the northwest passage farther to the north and lengthen the distance to the Pacific; but throughout the sixteenth century explorers from the east coast continued their search. The letters of Governor William Berkeley of Virginia, Sir William Talbot's introduction to Lederer's

the Great Lakes, the aberrations found in the early maps of the Southeast increased. By the end of the seventeenth century a long swampy savanna over two hundred miles in length had been placed to the north of the great lake in the piedmont and to the east was a large barren sandy region usually called the Arenosa desert.

Since it is clear that in recent geologic times no large lake covered northern Georgia or western South Carolina, and since to the North Carolinian at least it is evident that the piedmont area is not a swamp nor the middle section of the state a great desert, these misconceptions must have had their origin in the imagination of early explorers or map makers. An examination of the contemporary maps of the region and of the accounts of explorers shows that both cartographer and traveler contributed to the development of the errors.

Probably the first attempt to depict the interior of North America within the present area of the United States is the De Soto-Moscoco (*ca.* 1544) map, which was apparently drawn from information gained from the survivors of the De Soto expedition by Alonso de Santa Cruz, a Spanish royal cartographer.<sup>4</sup> In the northeast corner of the map are two lakes. These are north of De Soto's route and probably indicate that the members of De Soto's expedition heard of the Great Lakes from Indian runners or from native legend. The lakes are significant because they apparently indicate that the Indians of the South knew of lakes to the north; the later settlers along the Carolina coast may have heard similar tales and influenced map makers in the belief that large lakes existed to the northwest.

The next extant map of the region is the Le Moyne map of Florida (1591), which is one of the most important early type maps in North

*Discoveries*, and "A mapp of Virginia discouered to y<sup>e</sup> Hills" (1651), by John Farrer, secretary of the Virginia Company, show how widespread was the belief even in the seventeenth century that it was only a few days' journey across the North American continent.

<sup>4</sup> Original MS., Archives de las Indias, Sevilla, Est. 144; Caj. 7; Leg. 9. Ramo 272. See P. L. Phillips (ed.), *Lowery Collection: A Descriptive List of Maps of the Spanish Possessions* (Washington, 1912), 78. A reproduction of this map is in C. O. Paullin, *Atlas of the Historical Geography of the United States* (Washington, 1932), plate 12A. This map was apparently the prototype of later widely circulated maps of Florida by Ortelius, Wytfliet, Acosta, Matal, Sanson, and Du Val. Sanson and Du Val have "Lake Erie" where one of the lakes is; Ortelius, Wytfliet, Acosta, and Matal have no lakes.



American cartography.<sup>5</sup> Le Moyne was an artist who accompanied Laudonnière on the ill-fated French expedition of 1564. On his return he made this map and other drawings, which were published in the second volume of De Bry's *Grands Voyages*. Le Moyne has several lakes which played a conspicuous part in the later cartography of the Southeast. In the peninsula of Florida is a lake with an island called "Sarrope," which probably represents Lake Okeechobee or one of the lakes in that region. North of Sarrope is Lake George, which through later mutations of location and size became the great inland lake of the Southeast. Le Moyne locates it slightly southeast of the mouth of "May" (St. John's River) into which it flows. He calls it "Lacus aquae dulcis" (fresh water lake) and says that it is so large that from one bank it is impossible to see the other side. To the north of this lake, among the "Montes Apalatci" (Appalachian Mountains) is another large lake, fed by an enormous waterfall. This waterfall may have been inspired by tales of the waterfalls in western North Carolina; but it is more likely to depict the legends heard from the Indians of the great falls of Niagara. Below this lake is written "In hoc lacu Indigenae argenti grana inveniunt" (In this lake they find indigenous grains of silver).

For several years after Le Moyne's map was published, the information it gave was reproduced with but little modification. Then, in 1606, Hondius published an edition of Mercator's *Atlas* with a plate based on Le Moyne's Florida.<sup>6</sup> But instead of making the course of the River May run southward with an inverted  $\Lambda$ , as Le Moyne did, with some approach to accuracy, he straightened the bend in the river and this placed the great lake with the invisible shore to the northwest of the mouth of the river. Through this unfortunate mistake, the lake was located among the Appalachian Mountains, to the south of the lake fed by the great waterfall. Five years later Marc Lescarbot, who was con-

<sup>5</sup> J. Le Moyne, "Floridae Americae Provinciae Recens & exactissima descriptio," in Theodorus De Bry, *Collectiones Peregrinationum in Indiam Orientalem ("Petits Voyages") et Indiam Occidentalem ("Grands Voyages")*, 25 pts. (Frankfort, 1590-1634), II (1591); reproduction in Paullin, *Atlas of the Historical Geography of the United States*, plate 16.

<sup>6</sup> The north part of the Hondius-Mercator map is based on the John With (White) map of Virginia, published in De Bry, *Grands Voyages*, I (1590), plate I.

sidered by the French an authority on American history and geography, published a map based upon Mercator-Hondius. J. G. Kohl said that Lescarbot moved the mouth of the River May north half a degree and that this caused later geographers to identify it as the Savannah River instead of St. John's, to which the name St. Matheo was given.<sup>7</sup> But while Lescarbot's map undoubtedly influenced Sanson, Du Val, and other later French cartographers, he did not originate this error, which was already made in the Mercator-Hondius (1606) map. It evidently resulted from a confusion of Le Moyne's River May with the great river which runs northwest to the Apalache Mountains in the earlier Mercator and sixteenth-century Spanish maps and which is called "R. Sola" or "R. Seco." The Mercator-Hondius type map proved to be a popular one with contemporary cartographers; Jan Jansson, Laet, Willem Janszoon Blaeu, Joan Blaeu, Carolus Allard, and others closely imitated it, and by the second half of the seventeenth century the great lake with the invisible shores, the waterfall, Sarrope, the names of Indian villages, and many other features were being embodied in the atlas maps of nearly every important European cartographer.

In 1672 a book was published in London which gave a great deal of new information about the interior of the country which had been portrayed by these maps and which caused the addition of such errors as the long savanna and the Arenosa desert to the topography of the region. This was the report of an exploratory expedition by John Lederer, a German physician and scholar.<sup>8</sup> The book was accompanied by a map entitled "A map of the whole territory traversed by John Lederer in his three marches." The first and third of these "marches" were to the Blue Ridge and Valley of Virginia; the second and longest journey was apparently in a generally southwestern direction through what is now known as the piedmont section of North Carolina. On this expedition Lederer left the falls of the James River at what is now Richmond, Virginia. After several days' journey to the west, he turned south and

<sup>7</sup> Cf. Phillips (ed.), *Lowery Collection*, 118.

<sup>8</sup> *The Discoveries of John Lederer, In three several Marches from Virginia, To the West of Carolina . . . March 1669 . . . September 1670 . . . Collected and Translated out of Latine from his Discourse and Writings, by Sir William Talbot . . .* (London, 1672).

reached the island of Akenatzzy on the "Rorenock River" (probably an Occaneechi village somewhere on the Dan River). From there he traveled in a southwesterly direction, giving a careful account of the Indian tribes he saw and their customs. Then he reached, according to his account, a marshy terrain which took him three days to cross; and soon after that he reached a village of the Ushery Indians, near the shores of a great lake. He tasted the brackish water of the lake, whose width he estimated at thirty miles since he could see the opposite shore only because of its height. Its length he could not find; the westerly end was invisible. "I judged it to be about ten leagues broad: for were not the other shore very high, it could not be discerned from Ushery. How far this lake tends westerly, or where it ends, I could neither learn nor guess."<sup>9</sup>

After leaving the Usherys, he went east to avoid the marsh, but he escaped the Scylla of the "Wisachy marish" only to encounter the Charybdis of a great desert which took him twelve days to cross. Finally he reached the country of the Tuscarora Indians. Their chief took his gun and ammunition; he hurriedly left before further demands were made, and made his way back to Appomattox in Virginia.

The difficulty of identifying the places on this journey are obvious; but there have been numerous attempts. F. L. Hawks suggested that Lederer reached Lake Mattamuskeet or Lake Phelps in Bertie County. Hawks was so anxious for Lederer to reach a swampy country in Bertie County with a lake that he apparently forgot the mountains and the desert. This route not only supposes that Lederer, an experienced traveler, could go for three weeks in almost the opposite direction to that to which he thought he was going, but also is in direct variation with several later identifications of places on his route.<sup>10</sup> H. A. Rattermann sug-

<sup>9</sup> C. W. Alvord and L. Bidgood (eds.), "The Discoveries of John Lederer," in *The First Explorations of the Trans-Allegheny Region by the Virginians, 1650-1674* (Cleveland, 1912), 160-61.

<sup>10</sup> F. L. Hawks, *History of North Carolina*, 2 vols. (Fayetteville, N. C., 1858), II, 50. S. A. Ashe, "Was Lederer in Bertie County," *North Carolina Booklet* (Raleigh, 1901-), XV (1915), 33-38, shows several difficulties in Hawks' theory and suggests that Lederer may have gone to Sawratown on the Dan River in Stokes County. This is possible; there is, however, no reason to believe that the eighteenth-century Sawratown was the village of the Saura Indians Lederer found in 1670. More recent investigations by Alvord and Bidgood and by D. L. Rights, referred to later, point to a more southeasterly location.

gested that Lederer reached Miccosukee Lake in northwestern Florida; but this is completely contradicted by Lederer's own estimate of the mileage covered as well as by its inherent impossibility.<sup>11</sup> Cyrus Thomas attempted to examine Lederer's route, gave it up as a tangled mass of lies, and declared that he did not believe Lederer ever went into the Carolinas at all.<sup>12</sup>

Recent investigation has shown, however, that many of the difficulties of tracing the route had their origin in Lederer's inability to understand the statements or sign language of the Indians whom he met and also in the misinterpretation of Lederer's statements by modern commentators. The information given by Lederer, say Alvord and Bidgood, "seems to be remarkably correct and valuable. . . . He gave occasion, moreover, for the production of a book of great historical and ethnological value. . . . no material risk of inaccuracy is incurred in accepting his narrative where there is no external or internal evidence of its improbability."<sup>13</sup> Brebner states that Lederer's narratives are "generally reasonable" and that his discoveries were of value to the traders in the new province of Carolina because they showed the advantages that "Carolina had over

<sup>11</sup> H. A. Rattermann, "Der erste Erforscher des Allegheny-Gebirges—Johann Lederer," in *Der Deutsche Pioneer* (Cincinnati, 1869-1887), VIII (1877), 399-407.

<sup>12</sup> Cyrus Thomas, "Was John Lederer in Either of the Carolinas?" in *American Anthropologist* (Lancaster, Pa., 1899-), N. S., V (1903), 724-27; *id.* and J. N. B. Hewit, "Xuale and Guaxale," in *Science* (New York, 1895-), N. S., XXI (1905), 863-67.

<sup>13</sup> Alvord and Bidgood, *First Explorations of the Trans-Allegheny Region by the Virginians*, 69, 64. The difficulty of dealing impartially with Lederer's account is shown by the following misconceptions of his narrative given by Alvord and Bidgood, who have been on the whole his most impartial critics. They write (p. 68): "After he left the Saura village, no certainty can be evolved from the mass of palpable falsehood. . . . It makes pleasant reading: Silver tomahawks, Amazonian Indian women, peacocks, lakes 'ten leagues broad,' and barren sandy deserts two weeks' journey in width, when located in the Carolina piedmont sound like the tales of Baron Münchhausen." But Lederer does not say that he saw silver tomahawks; he repeats what an Indian told him: "The men it seems should fight with silver-hatchets: for one of the Usheryes told me that they were of the same metal with the pomel of my sword" (p. 160). He says that the Indian women of the Oustack tribe, of whom he heard only through the Ushery Indians, "come into the field, and shoot arrows over their husbands shoulders," and that the Ushery women delight in feathers of peacocks, "because rare in those parts." He mentions *one* lake which he judged "to be about ten leagues broad: for were not the other shore very high, it could not be discerned from Ushery," and "a barren sandy desert." With the reduction of Alvord and Bidgood's plurals to the singular and a juster presentation of the other statements, the narrative becomes more credible.

Virginia because the Appalachians were no barrier to their westward travel."<sup>14</sup>

What was the course of Lederer's expedition? From a comparison with the account of Arthur and Needham's journey over much of the same route the following year, and from a study of Indian trading paths on the eighteenth-century maps, it seems probable that Lederer reached the southern half of the North Carolina piedmont.<sup>15</sup> He then swung back northeast to the center of the state and from there returned to Virginia. There is no reason to suppose with Alvord and Bidgood that he retraced his steps exactly after reaching the Saura village. His accounts of Kaskous, the chief of a Tuscarora tribe, who demanded his gun and ammunition, bears a note of veracity; and his unfortunate and trying experiences on the way southward at several of the Indian villages make it natural to suppose that he chose another route to return.

If one attempts to accept Lederer's good faith, and supposes that his errors are based on a misinterpretation of the statements of Indians or on his own credulous exaggeration, how can one explain the savanna, the desert, and the lake? For each of these there is an explicable basis for Lederer's belief, although he grossly exaggerates that base. Concerning the savanna he wrote: "The valleys [of the piedmont] feed numerous herds of deer and elks larger than oxen: these valleys they call Savanae, being marish grounds at the foot of the Apalataei, and yearly laid under water in the beginning of summer by floods of melted snow falling down from the mountains." It is certainly probable that before the forest land was denuded and the top soil washed away, the piedmont

<sup>14</sup> J. B. Brebner, *The Explorers of North America, 1492-1806* (London, 1933), 274, 317.

<sup>15</sup> See D. L. Rights, "The Trading Path of the Indians," in *North Carolina Historical Review* (Raleigh, 1924-), VIII (1931), 420-26. Rights has examined the maps which show the early trading paths to the Indians and possesses an excellent firsthand acquaintance with the territory under examination. His itinerary takes Lederer through Union County, North Carolina, to the Catawba Indians on the Catawba River in South Carolina. In this last part of the journey the writer does not accept Rights' interpretation. Even when he was incorrect, Lederer apparently told what he believed to be true. If he had actually reached the Catawba village of Ushery, he would have seen that there was no lake. Therefore it seems probable that he did not reach this village, but that soon after his asseveration that he would relate only what he saw with his own eyes and the quotation "Lingua sile non est ultra narrabile quidquam," he wove into his account certain items which he did not see but thought he had learned from the Indians.

may have had marshy sections, which have since largely disappeared. But his statement and the map, which included the whole piedmont region of Virginia and North Carolina, is clearly an exaggeration. Nor are there sandy barrens in the state of North Carolina where one can go for twelve days in a *northeasterly direction* without crossing rivers. He probably did cross a section of the sandhill section of North Carolina during the heat of July; he may have been told that it extended for a considerable distance southward from where he crossed. Also in retrospect it would be easy to exaggerate the proportion of the return journey spent in that region and the extent of its aridity.

The great lake of Ushery seems to be based on the Mercator-Hondius map. Lederer's reference to its invisible shore is too reminiscent of the phrase "Adeo magnus est hic lacus ut ex una ripa conspici altera non possit," which had been on every map of the region published for the past half century, not to make clear its origin. He had gone in that direction; all the maps showed that the lake was there; he wished to convince his patron, Sir William Talbot, that his expedition had been of value.<sup>16</sup> Lederer must have misunderstood the Indian sign language reference to the wavelike swells of the mountains of the Blue Ridge to refer to a great lake. Apparently he fell into a somewhat similar error elsewhere: "I have heard several Indians testifie, that the nation of Rickohockans, who dwell not far to the westward of the Apalataean mountains, are seated upon a land, as they term it, of great waves; by which I suppose they mean the seashore."<sup>17</sup> James Mooney, the ethnologist, has suggested that Lederer saw the Catawba in flood and thought it was a lake;<sup>18</sup> but where on the Catawba or when on the Catawba has

<sup>16</sup> Apparently one of the chief objects of Governor Berkeley in backing Lederer was to find a route to the South Sea, which he thought lapped the west side of the Appalachian range; and Sir William Talbot's dedication of Lederer's *Discoveries* to Lord Ashley shows that Talbot was primarily interested in the nearness of the South Sea. This belief and this eagerness on the part of his two sponsors probably did much to influence Lederer's narrative. Several passages in his own account show that he himself was strongly interested in the same subject. For the influence of Verrazano's sea, see n. 3; for Governor Berkeley's and Sir William Talbot's interest in the South Sea, see Alvord and Bidgood, *First Explorations of the Trans-Allegheny Region by the Virginians*, 135, 176.

<sup>17</sup> Alvord and Bidgood, *First Explorations of the Trans-Allegheny Region by the Virginians*, 155.

<sup>18</sup> James Mooney, *Siouan Tribes of the East* (Washington, 1894), 70.

the water been so wide that one could not judge that it was flowing? And Lederer, unfortunately, said that he tasted of it and that it was brackish. At this point at least Cyrus Thomas appears right; Lederer's account seems to be a clumsy deception. His substantiation of the myth of the great lake, however, became the strongest link in continuing the geographical misconceptions of the region begun in the Mercator-Hondius map.

The errors that Lederer made lived after him and became fruitful, for they were sown in fertile soil. The Lords Proprietors were anxious to spread information about their recently acquired (1663) province of Carolina to prospective settlers, and the map makers were glad to get new material. In particular John Ogilby, the royal cartographer to Charles II, wished to add a passage on Carolina to a free translation of Montanus' *De Nieuwe en Onbekende Weereld*, which he was publishing with the title *America*; he asked Sir Peter Colleton to get materials for a map. He also wanted Lord Ashley to give names to the rivers, etc.; and he requested John Locke, the philosopher, who had drawn up the Fundamental Constitutions of the new province, to write a discourse.<sup>19</sup> The material for the map was apparently delayed; meanwhile Lederer's work appeared. Consequently its material was incorporated into Ogilby's "Lords Proprietors' map" by James Moxon, who engraved the plate. The name of the great lake of Ushery was changed, in honor of the Chancellor of the Exchequer, to Ashley Lake. The map's official backing was indicated by the title, "A New Discription of Carolina. By Order of the Lords Proprietors. James Moxon scul."; it appeared about 1673.<sup>20</sup>

<sup>19</sup> W. N. Sainsbury (ed.), *Calendar of State Papers, Colonial Series, America and West Indies, 1669-1674* (London, 1889), xxxviii-xxxix.

<sup>20</sup> Until at least 1672, John Ogilby used in his *America* (London, 1671), the plates of the Montanus, "Virginiae partis australis, et Floridae partis Orientalis . . . Nova Descriptio" map, as the one by Moxon could not have been made before then. The date of the Ogilby-Moxon map has been the most frequently discussed problem about the maps of Carolina. P. L. Phillips, *List of Maps of America* (Washington, 1901), 611, shows that Ogilby got his material from the Lords Proprietors and that the map was published in Samuel Wilson, *An Account of the Province of Carolina in America* (London, 1682), frontispiece. Worthington C. Ford, "Early Maps of Carolina," in *Geographical Review* (New York, 1916-), XVI (1926), 264-73, attempts to show that it was not published before 1682, when it appeared in Wilson's book, and that any examples of the map in Ogilby are only inserts. L. C. Karpinski, *Early Maps of Carolina* (Charleston, 1937),

Other maps followed in quick succession, based largely on Ogilby-Moxon's "Lords Proprietors' map." A new edition of John Speed's *In the Theatre of the Empire of Great Britaine*, probably the most famous seventeenth-century English atlas, appeared in 1676, with a map of Carolina based on Ogilby-Moxon and accompanied by a full description of John Lederer's exploration. A smaller Speed atlas, *A Prospect of the Most Famous Parts of the World* (London, 1675), had been published the year before with the same material, and proved so popular that it was reprinted in 1676. The marks of Lederer's influence are always clear and usually the same: the long narrow savanna in the piedmont region, the great lake, and the long narrow Arenosa desert. Usually the names of Indian villages are included, and in the earlier maps the path which he traveled is shown by a dotted line, as in the original map. The Daniel (1679) and Morden (1690?) maps add this legend, apparently based on Lederer's description of a savanna quoted earlier in this article: "This larg sauana lies as Nilus land from May to Sept. under Water &

26-28, shows definitely that the map was not made first for Wilson, as he refers to later information in his book which he would have used if Moxon had engraved the map for him. Karpinski dated the map 1672 or 1673. It can be shown definitely that the *a quo* date of the map is 1672 and the *ad quem* 1675. It cannot be earlier than 1672, for it includes the Lederer material published in that year. It is not later than 1675, for two maps obviously based upon it were issued in that year, Seller's "A chart of the West Indies from Cape Cod to the river Oronoque" (*Atlas Maritimus*, 1675), and Speed's "Carolina" (*Prospect of the Most Famous Parts of the World*, 1675). Both of these are derivative maps; and they must have been based on Ogilby, since Speed's large *Atlas* map, engraved by Francis Lamb, did not appear until 1676. The name of a river near the Arenosa desert, "Eruco," is on the Ogilby and small Speed map but is not on the large Speed map of 1676; and there are other agreements in names between the Ogilby and small Speed as against the large 1676 Speed map.

The writer has found four different states of Ogilby's *America* in regard to the Carolina maps. (a) Harvard University Library has an Ogilby dated 1670 without any maps of Carolina. John Carter Brown Library has a 1671 copy of Ogilby without any map or stub to fasten one to. (b) Harvard and John Carter Brown have copies with the Meurs-Montanus map ("Virginia partis australis, et Floridae partis orientalis . . ."). (c) The H. P. Kendall Collection (Camden, S. C.) copy has both the Meurs-Montanus and the Moxon map, with the stubs for both in what seems to be the original binding. (d) Yale University Library has a copy with the Moxon map.

Apparently Ogilby at first, while waiting for material from the Lords Proprietors, put in no map (a). Then he used the Meurs-Montanus plate while waiting, since he felt no immediate prospect of having a new map (b). When the new Moxon map was made, he inserted copies of both until he exhausted the Meurs-Montanus supply (c). Then the Moxon map was used alone (d).



from Sept. to May perpetually green Stock'd with dears Variety of beasts wild Turkies and other fowles Innumerable."

By the beginning of the eighteenth century continental map makers began to abandon the Mercator-Hondius type map, frequently using the Lederer material in its place. Most of these maps show the influence of the Ogilby or the Speed map; but usually the great lake is unnamed. In the savanna region they usually add "Pleine couverte d'eau." One widely circulated map of Delisle, the great French mathematical geographer, has "Flame couverte d'eau"! At least two maps have the Lederer material with "Georgia" written below the lake, showing that the map makers were keeping abreast of political developments, if not geographical discoveries.

Meanwhile, the trail which Lederer opened had been followed by traders from Virginia. After 1670 an active trade developed with the Indians, from the new settlement at Charles Town. In 1682 the second Lords Proprietors' map was published by Joel Gascoyne. Evidently the errors of Lederer had been discovered, for there is no trace of his journey or of the Mercator-Hondius map. It was the most accurate printed map of the province that had been made up to that time. If the interior is lacking in detail, it at least has none of the errors which its predecessors possessed in such abundance. This map had many imitators; but the Ogilby-Moxon map continued to find numerous new adherents also. Gascoyne's map showed only the heads of rivers; the map makers evidently felt that some other more striking topographical features existed in that vast area back of the coast. In 1709 John Lawson, surveyor general of North Carolina, who had explored the piedmont region, published a map in his *History of Carolina* which substantiated Gascoyne's map. Yet John Senex, the very geographer who engraved Lawson's map, published a map in his general atlas twelve years later which included all of the Lederer material. This, however, was one of the last flickering gleams of its appearance in England. The excellent maps of North Carolina by Moseley in 1733 and Wimble in 1738 superseded all that had gone before. On the continent the information given on the new maps spread more slowly. The very popular atlases of Delisle and

Homann, two of the most prolific cartographers of their day, continued to include the Lederer material in some of their maps until the middle of the century. An increasing number of new maps of the English colonies, however, were being made without any trace of the long savanna, the great Arenosa desert, and the fabled lake with the invisible shore. Countless traders, pioneers, and explorers must have looked in vain for them during the seventeenth and early part of the eighteenth centuries before these geographical vagaries of the Southeast at last went the way of Verrazano's sea, the northwest passage, and the island of California.

#### APPENDIX A

The following list of regional maps shows the influence of Le Moyne's map of Florida (1691), usually with the distorted features of the Mercator-Hondius map (1606). During the seventeenth century and the first half of the eighteenth many of the more general maps, which are not listed here, show the great lake flowing into the "R. de May"; the smaller scale prevented greater detail. Many of the maps given below appeared in other atlases subsequent to the date of their first appearance. For fuller bibliographical information concerning the atlases listed, see P. L. Phillips (ed.), *Lowery Collection* (Washington, 1912), and *id.*, *A List of Geographical Atlases*, 4 vols. (Washington, 1909-1920).

(a) Mercator, Gerard, "Virginiae item et Floridae Americae Provinciarum, nova Descriptio," in his *Atlas . . . auctus ac illustratu à Iudoco Hondio* (Amsterdam, 1606). This same map, apparently from the same plate, was printed in later atlases by Hondius in 1639 and by Jansson in 1640.

(b) Mercator, Gerard, "Virginia et Florida," in his *Atlas* (Amsterdam, 1607). A small quarto edition of the large 1606 *Atlas*, with omission of several legends and names found in the earlier map.

(c) Lescarbot, Marc, "Figure et description de la terre reconue et habitée par les François [*sic*] en la Floride. . .," in his *Histoire de la Nouvelle France* (Paris, 1611).

(d) Purchas, Samuel, "Hondius his Map of Florida. Virginia et Florida," in his *Purchas his Pilgrimes*, 10 vols. (London, 1625), III, 868. As the title implies, this map is a form of the small Mercator-Hondius map of 1607. The first part of the title is printed outside of the neat line of the map.

(e) Laet, Jean de, "Floridae et Regiones Vicinae," in his *Beschrijvinghe van West-Indien* (Leiden, 1630). This same map, using the same plate, appeared in Laet's *Novvs Orbis* (Leiden, 1633) and in his *L'Histoire du Nouveau Monde* (Leiden, 1640).

(f) Mercator, Gerard, "Virginiae Item et Floridae Americae Provinciarum,

nova Descriptio," in his *Atlas* (Amsterdam, 1630). Same as (a) but of a different size.

(g) Jansson, J., "Virginiae partis australis, et Floridae partis orientalis, interjacentiumque regionum nova descriptio," in his *Le Nouveau Theatre du Monde ou Nouvel Atlas* (Amsterdam, 1642). This same map was used by the following cartographers in various atlases and translations produced by each in the year given and in some cases in subsequent years: Willem Janszoon Blaeu (1644); Joan Blaeu (1662); Carolus Allard (1696); and G. Valk and P. Schenk (1710?).

(h) Sanson, N., "Le Noveau Mexique, et La Floride" (Paris, 1656), in his *Cartes générales de toutes les parties du monde* (Paris, 1658). This map, as well as "Le Canada, ou Nouvelle France," in the same volume, shows the influence of Lescarbot in the Florida section; the small lake to the northeast has no waterfall, etc.

(i) Sanson, N., "La Floride" (Paris, 1657), in his *L'Amérique in plusieurs cartes* (Paris, 1657). This map is very similar to the Sanson 1656 map, though about one fourth the size. In later editions of the work, the date engraved on the map was erased.

(j) Du Val, Pierre, "La Floride Française Dressée sur La Relation des Voyages que Ribaut, Laudonier, et Gourgues y ont faits en 1562. 1564. et 1567. Par P. Du-Val, Geographe du Roy," in his *Diverses Cartes et Tables pour la Geographie Ancienne* (Paris, 1665). This map is based largely on Lescarbot; in 1670 he made a map, "La Floride Par P. Du Val G. O. D. R.," based on Sanson's "La Floride," which he issued in various subsequent books until as late as 1685.

(k) Montanus, Arnoldus, "Virginiae partis australis, et Floridae partis orientalis . . . Nova Descriptio," in his *De Nieuwe en Onbekende Weereld* (Amsterdam, 1671). This identical plate, which is based on Jansson's map of 1642 but is smaller, is apparently used in the translations of this work into English (Ogilby's *America*, London, 1671) and German (Dapper's *Amerika*, Amsterdam, 1673).

(l) Moll, H., "Mexico or New Spain, Divided into the Audiance of Guadaluayara, Mexico, and Guatemala. Florida," in his *A System of Geography* (London, 1701). In this map "Palasi Lake," the smaller northern lake, empties into a tributary of the Ohio River; "May Lake" flows into "R. May." This same map is also found in Moll's *Atlas Manuale* (London, 1723) and in his *The Compleat Geographer* (London, 1723).

(m) Leth, Hendrik de, "Carte de la Nouvelle France" (1710?). This map has the same title and is very similar to the Châtelain map published in 1719.

(n) Aa, Pierre vander (Pieter van der Aa), "Zee en Land Togten der Franszen Gedaaen na, en in't Americaans Gewest van Florida, allereerst door Ioh. Pontius Ondekt," in his *Atlas Nouveau et Curieux Des plus Célèbres Itinéraires* (Leiden, 1714). There are several other maps in this atlas that have the "Lac Grande" and the names of the Indian villages, without having the waterfall, the legends concerning gold and silver, etc.

(o) Aa, Pierre vander, "De Vaste Kust Van Chicora Tussen Florida en Virginie Door Lucas Vasquez d'Ayllon En Andere, van Hispaniola Besterend," in his *Atlas Nouveau et Curieux* (Leiden, 1714).

(p) Fer, Nicolas de, "Partie méridionale de la Rivière de Missisipi, et ses environs" (Paris, 1718). This map shows the Mercator-Hondius influence in the great lake and in the southerly course of the "R. de May," which is all that is left in most of the maps of this period of the Mercator-Hondius material. Neither "R. de May" nor "R. de S. Matheo" are connected with the lake, which is west of the "Montagnes Apalaches" in the "Pays des Cofachi."

(q) Châtelain, Henri A., "Carte de la Nouvelle France," in his *Atlas Historique* (Amsterdam, 1719). This map, published again in the same work in 1732, has only the lake and the "R. de May," which are unconnected.

(r) Aa, Pierre vander, "Partie Meridionale de la Virginie et la Partie Orientale de la Floride, dans L'Amerique Septentrionale . . ." (Leiden, 1729?), in J. Cövens and C. Mortier, *Atlas Nouveau* (Amsterdam, 1683-1761). This peculiar map is also found in P. vander Aa, *La Galerie Agréable du Monde* (Leiden, 1729). Thus 1729 is the latest date possible; but the names of Cövens and Mortier in the title of the map itself indicate that it was made for Cövens and Mortier by Aa before he used it for his own work. Apparently Aa, using a plate of the Mercator-Hondius type, simply engraved on it as much material as he could utilize from an Ogilby-Moxon type map. The Lederer material, consequently, is abbreviated and distorted. It has "Plaine decouverte d'Eau" for the savanna region, just above the smaller lake with the great waterfall. The great lake is given no name.

#### APPENDIX B

The following list of maps showing the influence of Lederer's map (1672) gives the first (known) date of issue. Many of these maps were included in books and atlases issued twenty or thirty years after the map was first engraved and published.

(a) Ogilby, John, "A New Discription of Carolina. By Order of the Lords Proprietors. James Moxon scul." (1672-1675), in his *America* (London, 1671). See n. 20 for a discussion of the date of the map.

(b) Speed, John, "Carolina," in his *A Prospect of the most Famous Parts of the World* (London, 1675; reprint issued with date 1676 on the title page).

(c) Seller, John, "A Chart of the West Indies From Cape Cod to the River Oronoque," in his *Atlas Maritimus* (London, 1675). This same hydrographical map, in which the same plate was used, appeared in John Seller's *Atlas Terrestris* (London, 167-?).

(d) Speed, John, "A New Description of Carolina. Sold by Tho: Basset in Fleetstreet and Ric: Chiswell in St. Pauls Churchyard. Francis Lamb sculp.," in his *The Theatre of the Empire of Great Britaine* (London, 1676).

(e) Morden, Robert, and Berry, William, "A New Map of the English Plantations in America" (London, 167-?).

(f) Morden, Robert, and Berry, William, "To Cap<sup>t</sup>. John Wood this Map of the World, Drawn according to Mercators Projection, is humbly Dedicated, Sold at y<sup>e</sup> Atlas in Cornhill; & at y<sup>e</sup> Globe in y<sup>e</sup> Strand, London" (167-?). This map has only "Usheri" and "Ashley L.," but is probably one of the earliest world maps to show Lederer's influence.

(g) Daniel, R., "A Map of y<sup>e</sup> English Empire in y<sup>e</sup> Continent of America . . . by R. Daniel, Esq<sup>r</sup>. sold by R. Morden . . . & by W. Berry . . . London" (1679). Inset: "Caroliniae [*sic*] Pars."

(h) Thornton, John, "A New Mapp of the north part of America from Hudson Straights commonly call'd the Nor west Passage Including Newfoundland New Scotland New England Virginia Maryland & Carolina Made and sold by John Thornton at the signe of England Scotland & Ireland in the Minorities" (London, 168-?). The Carolina coast is shown in some detail, with "Ashley's Lake," "Savana," and "Deserta Arenosa" for the interior.

(i) Morden, Richard, "A New Map of Carolina," in his *Atlas Terrestris* (London, ca. 1680).

(j) "The English Empire in America By R. B. London. Printed for Nath: Crouch," in *The English Empire in America* (London, 1685). This volume is attributed to R[obert] B[urton], the pseudonym of Nathaniel Crouch, by Lowndes and Sabin. The German translation (1697) has "Richard Blome" on the title page as the author. Passages in this book are taken from Blome's *Jamaica* (London, 1672), and Blome uses passages from *The English Empire in America* for his *The Present State Of His Majesties Isles and Territories in America* (London, 1687). Essentially this same map, sometimes with different plates, is found in several subsequent editions of *The English Empire in America* until at least as late as 1728. The map in the German translation (1697) is a copy of it.

(k) Wilson, Samuel, "A New Discription of Carolina. By Order of the Lords Proprietors. James Moxon scul.," in his *An Account of the Province of Carolina* (London, 1682). The same map and apparently from the same plate as the Ogilby-Moxon (1673?) map.

(l) Hack, William, "Carolina . . . 1684," British Museum Additional MS. 5415.g.5. Photograph in A. B. Hulbert, *Crown Collection*, 3 vols. (Cleveland, 1908-1916), III, 36.

(m) Blome, Richard, "A New Map of Carolina. By Rob<sup>t</sup>. Morden," in his *The Present State of His Majesties Isles and Territories in America* (London, 1687). This map has the same title and is only slightly different from the Morden map of about 1680.

(n) Blome, Richard, "Nouvelle Carte de la Caroline par R. Morden," in his *L'Amerique Angloise* (Amsterdam, 1688). This map appears in the several editions down to 1715; it is slightly different from the English map prepared by Morden.

(o) Seller, John, "Carolina Newly Discribed," in his *A New System of Geography* (London, 1690).

(p) Morden, R., "A Map of y<sup>e</sup> English Empire in y<sup>e</sup> Continent of America . . . Sold by R. Morden . . . London" (1690?). Inset: "Caroliniae Pars." Morden used for this map the same plate used for the Daniel (1679) map; but many additions and changes were made in the title, placement of the Great Lakes, additions of towns, and designs. Philadelphia is added, showing the map was published after 1682. The Carolina inset is unchanged.

(q) Blome, Richard, "Das Englishe America," in his *Englisches America* (Leipzig, 1697). Although Blome's name is on the title page of this translation as the author, *The English Empire in America* (London, 1685) is usually credited to Nathaniel Crouch.

(r) Wells, Edward, "A New Map of the most Considerable Plantations of the English in America," in his *A New Sett of Maps* (London, 1700). With an inset of "CAROLINA" having "Ashley Lake," it appeared in many editions of the work, at least as late as 1738.

(s) [Carolina ca. 1700] MS. in Paris: Service Hydrographique de la Marine. Archives. 137. 1. 1. Photostat in Karpinski series F. 20. 3. 5. For a list of the American libraries having the Karpinski series of photostats, see L. C. Karpinski, *Bibliography of the Printed Maps of Michigan* (Lansing, 1931), 24. This is a hydrographical map with little but the coast names; "Ashley Lake" is given but no other Lederer material.

(t) Delisle, Guillaume, "Carte du Canada et du Mississipi Par Guillaume Del' Isle de l'Academie Royale des Sciences. 1702"; MS. in Paris: Minist. Aff. Etrang. Photostat in Karpinski series F. 7. 4. 3. "Lac d'Ashley" has another lake below it, "Lac de Theomi."

(u) Kocherthal, Josua von, "Carolina," in his *Aussführlich und umständlicher Bericht von der berühmten Landschaft Carolina in dem Engelländischen America* (Frankfort, 1709).

(v) Aa, Pierre vander, "La Floride . . .," in N. Gueudeville, *Le Nouveau Theatre du monde* (Leiden, 1713). This map is found in numerous atlases published by Pieter van der Aa up to about 1735.

(w) Homann, J. B., "Virginia Marylandia et Carolina in America Septentrionali Britannorum industria excultae repraesentatae a Ioh. Bapt. Homann, S. C. M. Geog. Norimbergae," in his *Atlas Novus: Neuer Atlas Über die Ganze Welt* (Nuremberg, 1714). This map appeared in other atlases of the Homann heirs until as late as 1784. It has a large "Apalache Lacvs" directly west of Cape Fear.

(x) Morden, Robert, "A New Map of the English Empire in America by Robt. Morden" (1718?). Reproduced in Karpinski, *Bibliography of the Printed Maps of Michigan*, plate XII.

(y) Lawson, John, "A Map of the English Plantations in America," in his *The History of Carolina* (London, 1718). This map is not found in the other editions of Lawson's work.

(z) Châtelain, Henri A., "Nouvelle Carte de la Caroline," in his *Atlas Historique*, 6 vols. (Amsterdam, 1705-1719), VI (1719), 100. This map is very much like (n), the Blome-Morden map, and has a somewhat similar title.

(aa) Châtelain, Henri A., "Carte contenant le Royaume du Mexique et la Floride," in his *Atlas Historique*, 6 vols. (Amsterdam, 1705-1719), VI (1719), 101. In the "Carte de la Nouvelle France," in the same volume, only the lake and the "R. de May," which are unconnected, appear. This map has the "Plaine couverte d'eau" legend for the savanna. These maps appear again in the 1732 edition of the same work.

(bb) Senex, John, "A New Map of the English Empire in America . . . Revis'd by Ion. Senex. 1719," in his *A New General Atlas* (London, 1721). It has the "Large Savana," "Desert Arenosa," and "Ashley Lake"; most of the towns mentioned by Lederer are omitted.

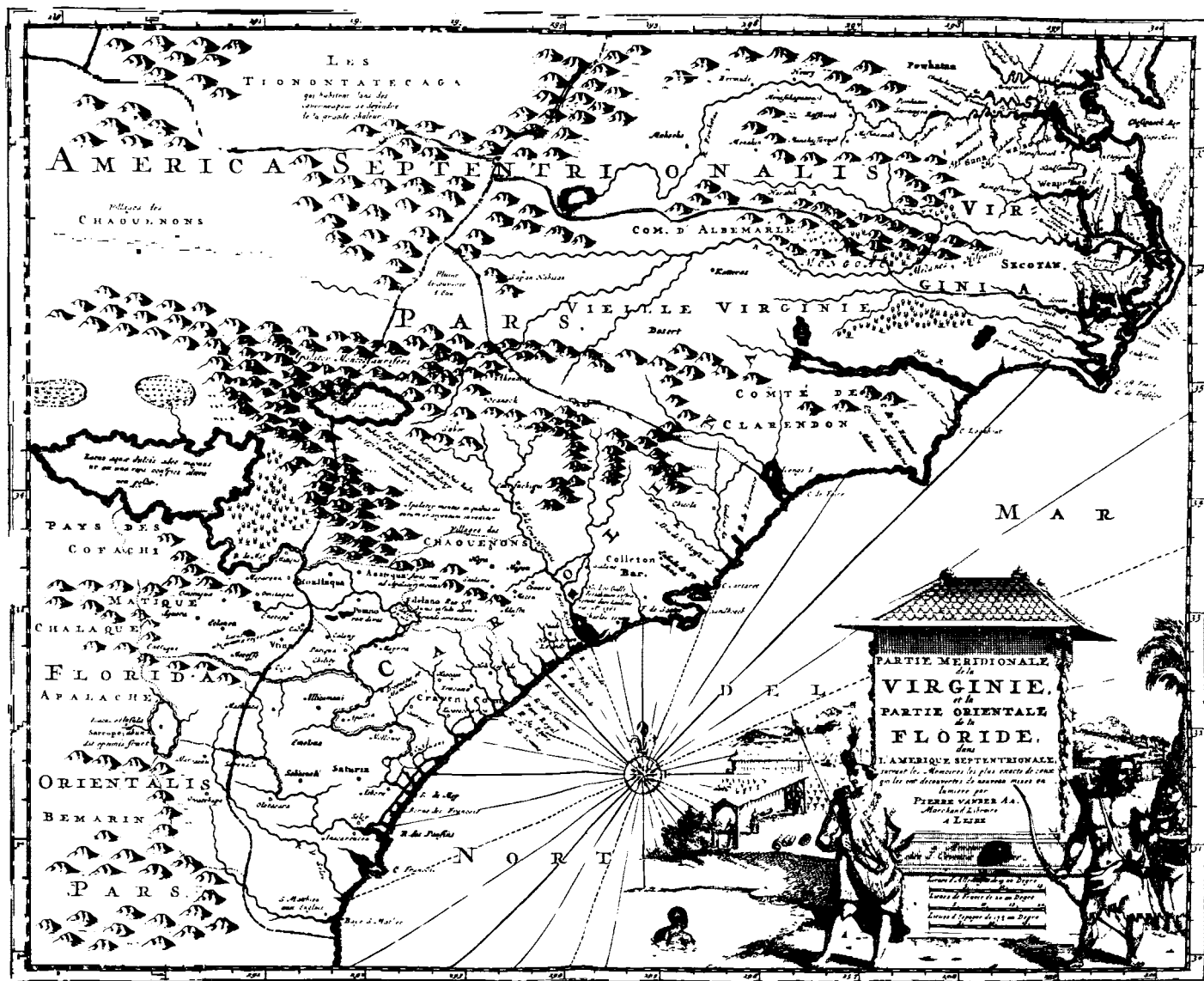
(cc) Delisle, Guillaume, "Carte du Mexique et de la Floride des Terres Angloises . . . Dressée Sur un grand nombre de mémoires principalement sur ceux de M<sup>rs</sup>. d'Iberville et le Sueur. Par Guillaume De l'Isle. . . . À Amsterdam. Chez Iean Còvens & Corneille Mortier . . . 1722," in his *Atlas Nouveau* (Amsterdam, 1733).

(dd) Homann, John Baptista, "Regni Mexicani seu Novae Hispaniae Ludoviciana, N. Angliae, Carolinae, Virginiae, et Pennsylvaniae," in his *Atlas Novus* (Nuremberg, 1730?). Based on the Delisle "Carte du Mexique . . . 1722." This map also appeared in Homann's *Neuer Atlas* (1712-[1730]).

(ee) Aa, Pierre vander (Pieter van der Aa), "Partie Meridionale de la Virginia et Partie Orientale de la Floride dans L'Amerique Septentrionale . . ." (Leiden, 1729?). See note on this map under the Mercator-Hondius list.

(ff) "Carte de la Caroline du nord et du sud" (post 1732). MS. in Paris: Service Hydrographique c. 4044.40. Photostat in Karpinski series F. 32. 40. This map has "Nouvelle Georgie" below the Lederer material.

(gg) Delisle, Guillaume (de L'Isle, Guglielmo), "Carta geographica della Florida nell' America Settentrionale," in his *Atlante Novissimo*, 2 vols. (Venice, 1750), II, No. 41. Lederer's nomenclature is given as in Delisle's earlier maps of "Mexico and Florida"; the towns are mentioned, as are also "Deserto," "Pianura coperta d'acqua," and a "Lago Grande"; "Georgia" is in capitals, as a part of Carolina.



LES  
TIONTATECAGA

qui habitent les des  
cours supérieurs et inférieurs  
de la grande chaîne

AMERICA SEPTENTRIONALIS

Peuples des  
CHOUQUONS

COM. D'ALBEMARLE

SEVIR

SCOTIA

GINIA

PARS VIEILLE VIRGINIE

COMTE DE CLARENDON

MAR

PAYS DES  
COTACHES

MATRUQUE

CHALAUQUE

FLORIDE AN

APALACHE

ORIENTALIS

BEMARIN

PARS

DE L

N O R T

PARTIE MERIDIONALE  
de la  
VIRGINIE.  
et la  
PARTIE ORIENTALE  
de la  
FLORIDE.

L'AMERIQUE SEPTENTRIONALE.  
par les Américains les plus exacts de ceux  
qui les ont découverts. La nouvelle carte en  
Américain par  
PIERRE VAN DER A.  
Marchand & Libraire  
à L'Esne

Carte de l'Amérique du Nord en 1781  
Carte de l'Amérique du Sud en 1781  
Carte de l'Amérique du Nord en 1781  
Carte de l'Amérique du Sud en 1781



# Notes and Documents

HUNTING FOR COTTON IN DIXIE:  
FROM THE CIVIL WAR DIARY OF CAPTAIN CHARLES E. WILCOX

*Edited by* EDGAR L. ERICKSON

When the smoldering fires of conflict between the North and the South burst into flames in the spring of 1861, Charles Edwards Wilcox, fourth son of Henry and Nancy Kimball Wilcox of Lake County, Illinois, was completing his first year at the Illinois State Normal University, where he was preparing himself for a teaching career. The Civil War intervened, however, to bring an abrupt and permanent change to both his immediate and future plans. Along with many other students and teachers, he enlisted in the Normal regiment which was recruited under the leadership and command of President Charles E. Hovey. This regiment became the nucleus of the Thirty-third Illinois Infantry when it was mustered into Federal service in September, 1861. Wilcox served the regiment, first as a corporal and then as a sergeant major, until he resigned in September, 1863, to accept the captaincy of Company B, Ninety-second United States Colored Infantry. His experience with colored troops could not have been so pleasant as he had anticipated, for the discipline of the regiment was very bad and Colonel H. N. Frisbie seemed to Wilcox a "very wicked unprincipled man." The Ninety-second, with which Wilcox served until August, 1865, engaged in occasional campaigning, garrison duty, and construction work in Louisiana. Little is known about Wilcox in this period, aside from the fact that he was a victim of sunstroke, which partially disabled him for life, and that during convalescence he journeyed north to marry his college sweetheart, Abbie Ripley Reynolds, of Griggsville, Illinois. Upon his return

to duty he successfully petitioned to be detached from the regiment and was placed in charge of the Bragg Home Colony for Freedmen in Thibodaux, Louisiana, where he remained until his discharge from the army in January, 1866. After the war he undertook, successively, farming in Kansas, publishing a newspaper in Minnesota, and operating a light and power business in Iowa; but his poor health and his failure to divorce religion from business worked against success in each venture. He finally entered the Congregational ministry, a calling for which he had always manifested an intense interest; and after years of service in Minnesota and Florida, he moved to Spokane, Washington, where he died, in 1931, at the age of ninety-three, deaf and blind.

Throughout the war Wilcox faithfully kept a diary. Written to serve as a source of news to parents and relatives back home, it was sent to his mother and to Persis Wilcox, his favorite sister-in-law, the wife of his eldest brother. Although parts of the diary were lost in the uncertain war mails and parts were destroyed by fire after the war, a considerable part of it has been preserved.<sup>1</sup> The first entry in the extant portion was made on September 19, 1861; the last on August 30, 1863. The period between these dates embraces roughly the diarist's service with the Thirty-third Illinois. The diary might arbitrarily be divided into three main sections: activities in Missouri during the fall, winter, and spring of 1861-1862 and of 1862-1863; the expeditions for finding cotton in Mississippi and Arkansas in the summer of 1862; and the Vicksburg campaign in the summer of 1863.<sup>2</sup> The most significant subjects treated in the first section are the construction of Fort Hovey at Ironton, Missouri, the battle of Fredericktown, and the Missouri campaigns of Brigadier General John W. Davidson. The content of the other two sections is quite obvious. On the larger military movements of the war the diary

<sup>1</sup> The lacunae which break the continuity of the Civil War diary are for the periods: February 26-July 17, 1862; May 8-16, 1863; and June 16-July 2, 1863. A fragment of the diary for May, 1860, dealing with Wilcox's experiences as a teacher in Franklin, Morgan County, Illinois, has also been preserved.

<sup>2</sup> The third of these sections, for the period March 14-July 17, 1863, has been published. See Edgar L. Erickson (ed.), "With Grant at Vicksburg: from the Civil War Diary of Captain Charles E. Wilcox," in *Journal of the Illinois State Historical Society* (Springfield, 1908-), XXX (1937), 441-503.

does not throw much light, but on the activities of the regiment, the behavior of army officers, both high and low, and the life in camp, it is rich in information.

The expeditions of the Thirty-third Illinois to find cotton, reported in the portion of the diary herewith published, took place during the summer of 1862. After the preceding fall and winter, spent quietly in the neighborhood of Ironton, the regiment, as part of Brigadier General Frederick Steele's division, marched south into Arkansas and joined Brigadier General Samuel R. Curtis' Army of the Southwest at Batesville. Curtis then moved his army southeast to Helena, Arkansas, on the Mississippi River, arriving about the middle of July. Although the purpose of this movement had been to campaign against Confederates in the Arkansas River Valley, the Thirty-third, along with several other regiments, was employed in spotting and confiscating cotton located along the river in Mississippi and Arkansas. These expeditions extended as far down the river as Eustice, Arkansas, and inland to a depth of fifteen miles. As much of the diary for the period between the arrival of the Thirty-third at Helena in July and its return to Ironton in October is published herein as space permits. While considerable portions for the period have necessarily been deleted, nothing significant concerning the search for cotton has been omitted.

It is well to read the following section of the diary in conjunction with certain letters of James Lusk Alcorn,<sup>3</sup> who lived in Coahoma County, Mississippi. Wilcox tells of cotton seizures in that county by the Thirty-third Illinois; Alcorn discloses the fact that most of the planters in that neighborhood willingly sold their cotton to Northern purchasers. The diarist did not mention the extensive smuggling practices of the planters; nor did he mention a particular willingness on the part of the planters to sell their cotton to Northern buyers. These differences are not as conflicting as they may at first seem. Wilcox recorded events which transpired in July and August, while Alcorn related conditions as they were during and following December, 1862. In all probability the cot-

<sup>3</sup> P. L. Rainwater (ed.), "The Letters of James Lusk Alcorn," in *Journal of Southern History* (Baton Rouge, 1935-), III (1937), 196-209.

ton seizures of the summer of 1862 broke the resistance of the planters along the river and made obvious the expediency of the voluntary sale of their cotton.

[Friday, July 25, 1862.] We are going down the river, but we know not how far: it is expected we will go on boats. Only our Brigade have the orders. There is but one in our Division that has been furloughed or discharged to where there have been ten in each of the other two divisions. It is presumed by those who ought to know that the cause of this is Gen. Curtis's jealousy of Gen. Steele. The former makes it a point to *put down* the latter, and prevent the efficiency of our (the 1<sup>st</sup> Division's) men. I believe we of Steele's Division have a right to complain of injustice, for some of our men who have long been ailing with chronic diseases and are consequently totally unfit for the service, have been refused discharges or furloughs while this is not at all true in the other divisions. But enough of this: *It is not becoming a good soldier to TELL THE TRUTH* about his superior officer's defects. For humanity's sake I could not refrain from saying a word upon the subject.

Saturday, [July] 26<sup>th</sup>—We were blessed this morning with a shower of rain. Our wagons were packed and the train, escorted by a part of the 11<sup>th</sup> Wis. and a lot of Cavalry, started, this forenoon, down on the Arkansas side of the river. We were paid this forenoon. At about 1 p. m. the Ella and Laclede arrived opposite of our camp to take us on board. At four we found ourselves steaming southward. At six p. m. we landed on the Arkansas side and went into camp where our teams were, a few rods distant. We came by the river, 18 miles—by the road 14 miles. Had a pleasant trip, leaving no stragglers behind and none of the boys "falling out" for water or rest. We passed Island No. 61, and the villages Delta and Prier's Point,<sup>4</sup> both on the Mississippi side. The most noticeable thing I observed on our way was the manner of the growing of the willow on the Arkansas side. Extending along the river, and close to the waters edge, for 200 yards and about 10 yards deep, was a growth which was 5 feet high, the tops apparently as level as a house floor, the foliage dense and of a beautiful pale green. Adjoining this section on the south was another section of the same having nearly exactly the same dimentions<sup>5</sup> except in height it was about 15 feet. Here too the willows were of uniform height. In the background was a third section which in length was equal to both of the others; in height it was about 25 feet. Alike the first section was the appearance of the other two. Far in the rear was the sky, beautifully clear and impressively grand, while in the foreground rushed heedlessly by the murky waters of the Mighty River, the willows bowing a "Fare-well" but the waters unaffectedly passing on, on, on to the vast ocean.

<sup>4</sup> Friarpoint, frequently referred to as Friar's Point.

<sup>5</sup> Errors in spelling, punctuation, and grammar will not be cited or corrected when the meaning is obvious.

This place here is called Old Town. When on the river we can see Horse Shoe Island and the Cut Off.

Sunday, [July] 27<sup>th</sup>—Moved our place of encampment twice, each time three-fourths of a mile. Assisted the cook and owing to the moving had a great deal to do. Wrote in Diary. Did not read any, for every time that I got ready to read was called away to do duty. Had no public devotional exercises. The Government has now began to prosecute the war upon the new policy. The object of us leaving Helena and coming here was to get cotton. All the cotton belonging to rebels is to be confiscated by the U. S. Government. A few rods west of us is a heavy levee which was built at the expense of Gen. Pillow (rebel).<sup>6</sup> Besides throwing up this for a mile he contributed \$10,000 for building the levee between here and Helena. The General's farms lie between here and Helena.

Monday, [July] 28<sup>th</sup>—Yesterday two of my mess were out of camp about two miles. They shot a water-turkey, or a turkey with webbed feet having the nature of both turkey and duck. The boys cut its head off, for which we were sorry for we desired to send it to Illinois for the Natural History Society. To-day six of us went out to try and get another bird of this kind; we were not successful, however. We were successful in other respects for we got chickens, squirrels, sugar, honey, tomatoes, peaches, and several excellent books. . . .

Tuesday, [July] 29<sup>th</sup>—Wrote a letter to W. D. Hall,<sup>7</sup> sending to him for \$5.00 worth of stamps. Mailed the following named books to go to Northern Ill.: Lovell's Speaker, French Lessons, Life of Washington in French, and Young Lady Abroad. Two of these were presents, the other two I picked up. Read in Macaulay's Miscellanies, Vol. VI, Biographical Sketches. The subjects upon which I read were Oliver Goldsmith and Jeffrey's, the Lord Chancellor. Cleaned my gun. Last evening at 7 o'clock roll call Capt. Potter<sup>8</sup> took occasion to praise the Company for the gallantry they displayed in the fight on 7<sup>th</sup> inst.<sup>9</sup> He said all of us merited a good deal, and many "deserved special mention"—"particularly the sergeants—all the sergeants did as well as they could do."

The Captain also took occasion to pass sentence on T. Scott<sup>10</sup> and G. Simpson,<sup>11</sup> members of the company, who had been gambling. The sentence was two

<sup>6</sup> Probably refers to Gideon J. Pillow, who had been suspended from command in March, 1862, following the surrender of Fort Donelson. See Philip M. Hamer, "Gideon Johnson Pillow," in *Dictionary of American Biography*, 20 vols. (New York, 1928-1936), XIV, 603-604.

<sup>7</sup> William Dennis Hall, Chicago, a college acquaintance.

<sup>8</sup> Major Leander H. Potter, Bloomington, Illinois, a teacher at Normal University.

<sup>9</sup> Refers to the skirmish of the Thirty-third at Hill's Plantation on the occasion of Steele's crossing the Cache River in Arkansas. See *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies* (Washington, 1880-1901), Ser. I, Vol. XIII, 141-42. Cited hereafter as *Official Records*.

<sup>10</sup> Thomas Scott, Maquon, Illinois.

<sup>11</sup> George W. Simpson, Shirley, Illinois.

months extra duty, the hardest work that is to be done, and lie in the guard-house two days and nights of each week during the first half month.

Our company went down the river on the Ella, 5 miles, after cotton. After getting 40 bails on the Arkansas side we dropped over on the Mississippi side and *took it on foot* back from the river two miles. Here we got no cotton but found where we could get some by not going far. We returned, having a jolly time.

Wednesday, [July] 30<sup>th</sup>—On guard. Read more than I have in any other one day since we left Batesville. It was showery.

Thursday, [July] 31<sup>st</sup>—A mail came in on the *Laclede*. A very unpleasant day—a drizzling rain and the most slippery mud I ever walked in—both have been so bad that they have irritated me so much that I dare not write much for fear of irritating the reader, so goodbye for to-day.

Friday, Aug. 1<sup>st</sup> [1862]—Yesterday, before sunset, I felt like writing for there was something to write about, but then I had no time during which I could write. All of Commodore Davis's Fleet passed us, going up the river;<sup>12</sup> Commodore Far[r]agut's Fleet has also left Vicksburg and gone into the Gulf.<sup>13</sup> We have heard several reasons given why the two Fleets have left that place. The most plausible one was that of sickness, fevers mostly.<sup>14</sup> Not being acquainted with fleets I am unable to describe this one. In all including the *tugs* there were twenty five boats besides the flat-boats which were in tow. I could tell that there were 14 transports including an ocean frigate; three gun-boats and some *rams* and mortar boats. One wants to see a fleet to know how it appe[a]rs. 'Twould be in vain for me to essay a description of such a fine scene as I yesterday beheld. Our Company left Old Town last night at 9 and went down the river 7 miles, landing on the Mississippi side in Coahoma County.<sup>15</sup> Several other companies of our Brigade went down before us. This morning we went back into the country 10 miles to one McNeil's where we found about 300 bails of cotton; taking a 100 bails we returned, camping 4 miles from the river. One of our pickets, a Mr. H. Hays<sup>16</sup> of Co. C. 33<sup>d</sup> Ill., was wounded this afternoon while on duty. It is supposed that the overseer of the slaves who live on the plantation where we were in camp wounded this man. Passed through a heavy canebrake [*sic*] where the cane were 20 feet high.

Saturday, [August] 2<sup>nd</sup>—Got the remainder of McNeil's cotton. This planter

<sup>12</sup> On August 6, 1862, Curtis reported that Flag Officer Charles H. Davis, commanding the Western Mississippi River Flotilla, had joined his forces at Helena, Arkansas. See *Official Records*, Ser. I, Vol. XIII, 541.

<sup>13</sup> From May 18-July 28, 1862, Vicksburg had been shelled from the Mississippi River by Davis' fleet stationed above and by Flag Officer D. G. Farragut's fleet stationed below the city. See *ibid.*, XV, 6-108.

<sup>14</sup> This plus the need for troops of Williams at Baton Rouge caused the siege to be lifted. See *ibid.*, 31.

<sup>15</sup> James Lusk Alcorn lived in Coahoma County. See "Letters of James Lusk Alcorn," in *loc. cit.*, 196-209.

<sup>16</sup> Henry H. Hays, Bloomington, Illinois.

is very wealthy owning over a hundred slaves. His negroes loaded and unloaded the cotton. Col. Hovey gave him a claim on U. S. for the cotton, to be paid after the war closes, provided the latter proves himself loyal.<sup>17</sup> 'Twas about 2 p. m. when we got all of the McNeil cotton to the river. We immediately went to another plantation after cotton, but when close to it we found rebel pickets, whom we drove in. Advancing a little we saw the cotton which we were after in flames and found about 80 rebels who gave us some fight. In the skirmish<sup>18</sup> the 11<sup>th</sup> Wis. lost 3 wounded; we loosing none. Six companies pursued the flying enemy while two immediately returned with the train to camp. The six companies burned the house, cotton gin and press on the plantation where the cotton was burned. After we all returned to camp we loaded our train with cotton which was on the plantation where our camp was.

Sunday, [August] 3<sup>d</sup>—Did not get to bed last night until after twelve. Went to the Landing<sup>19</sup> this morning—all the trains and troops—breaking up the camp out from the river. The Federal Ram, *Sampson*, Capt. Porter,<sup>20</sup> came to our landing this evening just at dark. Owing to the Ram having no flag and no *counter-sign*, Col. Hovey looked upon her with many doubts, and indeed we being the farthest down on the river of any of our forces this side of New Orleans, he rather presumed she was a rebel boat and consequently made every preparation to give her a warm reception if she "pitched in" first. Need I say that our company was the foremost in ascertaining what she was.

Monday, [August] 4<sup>th</sup>—This morning all of our company felt gay and light-hearted, this evening finds us sad and heavy-hearted. At 7 a. m. we alone went out a mile to get 15 bails of cotton. Near 9 a. m. we were attacked by 40 rebels, the latter having a reserve of 85, our full force present being only 32 men.<sup>21</sup> We resisted the attack with great vigor, driving the enemy back through a corn field into the woods where they had left their horses, and reserve, they taking 3 of our pickets, killing one, a corporal, and seriously wounding one in both arms and one leg. After we got reinforcements we drove them farther and tried but failed to draw them into an ambush. We got the cotton and returned to the Landing where we staid until 2 p. m. when we got aboard of the *City of Alton* which took on all the cotton we had gathered, 400 bails or upwards. Came up to Old Town and buried our lamented comrade with military honors and witnessed the amputation of the arm of my messmate and school-mate, J. W. Straight.<sup>22</sup> We are

<sup>17</sup> Alcorn, in December, 1862, received greenbacks in payment for cotton he sold to Northern purchasers. He, of course, sold his cotton voluntarily. Wilcox mentions that requisitions on the United States government were issued in payment for some of the confiscated cotton. See "Letters of James Lusk Alcorn," in *loc. cit.*, 196-209.

<sup>18</sup> Probably the skirmish at Totten's Plantation. See *Official Records*, Ser. I, Vol. XIII, 205.

<sup>19</sup> Wilkinson's Landing.

<sup>20</sup> Captain David D. Porter, promoted rear admiral, was placed in command of the Mississippi Squadron on October 1, 1862.

<sup>21</sup> Probably the engagement at Drysdale's Plantation.

<sup>22</sup> Johnson W. Straight, Fairbury, Illinois.

indeed sad for our number has been decreased by four and one more very badly wounded in the leg and also deprived of his left arm. The corporal, A. T. Louis,<sup>28</sup> who was killed was an old Normal, an inoffensive and quiet but determinate young man of about 20 summers, a worthy friend, one whom his comrades were proud to call friend, a true, devoted, and even model soldier, one of the best in the company. It is to be much lamented that he would and did sometimes use profane language. He was shot in the breast just to the right of the sternum about four inches below the throat. After the ball hit him he only said "My God! I am wounded," and died within 3 minutes. We have many misgivings about the boys who were taken prisoners. Before the skirmish we took three citizens (supposed) prisoners. I learn that Col. Hovey intends to keep these men and treat them as we learn our men are treated by the rebels—if ours are shot by them our prisoners' lives are endangered.

Tuesday, [August] 5<sup>th</sup>—Received a letter from sister Maria, bringing good news from home. To our great surprise our three men who were taken prisoners yesterday, came in at 2 a. m., they being released on parole by one Col. Montgomery of the 1<sup>st</sup> Miss. Cavalry. The boys were well treated and escorted by a Captain, Lieutenant, and 8 men to our pickets. Col. Hovey being sent for went to the picket post, received our men and held a half hour's converse with the rebel Captain who was a very keen shrewd man. I have not learned the gist of the interview. Two of the three men were wounded, one being shot in five different places the other in four. The third one fought desperately, had his gun shot out of his hand, picking up a wounded man's gun he then fought with it, and afterward with his revolver. When he saw he could not get away from them he threw away his revolver, but the rebels were so close upon him that they saw him in the act and they got it. The enemy contrary to the boys' wills traded hats with two of our boys before they were released. The wounded are pretty sore but will get along. Received papers up to the 3<sup>d</sup> inst. Drew mosquito bars, the Government furnishing them the same as it furnishes us with tents. They are a splendid institution in this mosquito region at this season. This evening we gained a splendid triumph over the "*Arkansas 'blood-suckers'*", and to-morrow's bulletin will no doubt contain an article headed "GLORIOUS NEWS", "ONE HUNDRED MILLION OF THE ENEMY REPULSED AND NOT BUT ONE MAN INJURED ON OUR SIDE AND HE WOULDN'T 'COVER HIMSELF!'" Each man has a bar the dimensions of which are 7 feet long, 3 ft. high and 2 ft wide. It is nothing more than a bag made of mosquito bar and when used it is inverted, the mouth being down, and the bottom of the sack tied to stakes by strings which are sewed to each of the four corners.

[Wednesday, August 6.] Sat up awhile last night with our wounded. Davis's

<sup>28</sup> Alvin T. Lewis, Bloomington, Illinois.



Fleet passed down the river early this morning—part of our Brigade went with it. From what I can learn of the movements of the enemy below here since the fleet went up[,], import[ant] news may be expected from this fleet within a day or two. The weather, yesterday, was extremely hot—very oppressive. We now have negro cooks in our company. Our mess has a boy of 16 years who is a very good cook. During this hot weather these negroes are almost indispensable. Am in good health and good spirits. Have a sore face, the result of sunburn. Now I have to see to drawing all the provisions for our mess, and am indeed the head of the *family*.” There are thirteen in the mess—six messes or distinct families in the company besides the aristocratic or shoulder-strap table.

Wednes. noon.—Finished a letter which I began last Thursday to J. H. Cunningham.<sup>24</sup> Wrote him a long letter. Mailed 12 pages of diary, it going to mother. Mailed 3 books, Robin’s Outlines of History, a work on Leveeing, and Popular Lessons on various subjects. Helped take care of our wounded.

[Sunday, August 10.]<sup>25</sup> Western troops have begun to move again. I learn that a part of this Army has started for Clarendon on the White River, a little North of West of here.<sup>26</sup> The rebels in Mississippi are continually crossing in small bands into this State. There was religious exercises on the bank of the river but I could not well attend. Read in Pilgrim’s Progress and “The Wide, Wide World.”

Monday, [August] 11<sup>th</sup>—An Expedition was sent down the river, consisting of the well men of the 33<sup>d</sup> and 2 companies of the 11<sup>th</sup>.<sup>27</sup> They went on two transports accompanied by a *ram* and gun-boat. Received [St. Louis] Missouri Democrat of the 7<sup>th</sup>. Am still nurse for Straight and was, therefore, obliged to stay in camp. Two men of our regiment died last night one of congestive chill the other of chronic diarrhea.

Weather warm but a breeze on the bank of the river.

Tuesday, [August] 12<sup>th</sup>—Odd moments employed in reading. The Expedition returned this morning: brought back about 50 bails cotton—went down 40 odd miles, to within 15 miles of the mouth of White river.

Thursday, [August] 14<sup>th</sup>—Rose at 3 a. m. and with most of the Brigade went down the river 4 miles, landing on the Mississippi side. From the landing we walked back from the river 7 miles where we got a good many peaches, found where 200 or 300 bails cotton had been burnt, and after a thorough search giving

<sup>24</sup> Of Franklin, Morgan County, Illinois.

<sup>25</sup> During this interim Wilcox sat almost constantly at the bedside of Straight, whose amputated arm had become infected. He read extensively, bought and sold note paper and ginger bread, and expressed approval of Lincoln’s fourth call for volunteers, August 4, 1862.

<sup>26</sup> The expedition of Brigadier General A. P. Hovey from Helena to Clarendon, Arkansas, August 4-17, 1862. See *Official Records*, Ser. I, Vol. XIII, 206-207.

<sup>27</sup> See *ibid.*, 208-209.

up that there was any cotton about the plantation we started back when by chance we found hid in the woods 130 bails. Turning back we got the cotton and then returned to the river arriving at about 9 p. m. Our company had milk and eggs in addition to "hard tacks" for dinner. The plantation where we found the cotton, is owned by a Col. Fowler, and is one of the finest I have seen since I came into the "sunny South." Mr. Fowler has about 200 slaves whom he treats so well that none of them have left him. I heard one of them say to one of our boys that he didn't want to come with us and I believe not one of them did come with us. About the centre of his large plantation the rebel has a steam saw and grist mill and a cotton gin. There is a considerable osage orange fence about the premises.

Friday, [August] 15<sup>th</sup>—We were blest last night with a fine shower of rain. Slept on the boat. Came up to camp this a. m. Stayed with Straight most of the afternoon. Went to Helena this evening with E. F. Cole<sup>28</sup> who is going to Ill. on furlough. Gen. Curtis reviewed all his troops at Helena to day. An expedition is being fitted out here to go down the river early in the morning.<sup>29</sup> The fleet is still here with about 30 transports.

Saturday, [August] 16<sup>th</sup>—Slept on the Iatan the boat upon which we came up. . . . The expedition from Helena passed here this a. m.

Sunday, [August] 17<sup>th</sup>—One year ago last evening I left home and friends and "off to the wars" I came. A year has brought to light many things, and it has hidden many things. Time has wrought his changes. War has desolated our once fair land, and made the hearts of thousands oh! how desolate! Thoughts of things of the past year crowd my mind, but I dare not begin to note them. Victory perched upon our banner from the middle of last October till July; before the former date and since the latter, she has hung trembling to the standard staff. Now that the war is being prosecuted upon a new policy, now that 600 000 new troops are coming into the field, now that our Government has begun to strain her energies, the American eagle is exultant with the prospect of soon soaring from one end of our land to the other in air not poisoned with the breath of Treason. An expedition from our Brigade went down the river this afternoon. Read a considerable.

Monday, [August] 18<sup>th</sup>—Still with Straight. Am a little "under the weather." At this place [Old Town] before the last freshet there was a large warehouse, two fine stores, a tavern and a shoeshop besides several dwelling houses. 'Twas a place of considerable trade. Now there is left but one little old log house. It is worthy of note that Matt Ward, now a rabid secessionist, notorious for the murder of the schoolmaster Butler at Louisville, lives but few miles west of here and that he used to do his trading here before the freshet. Although this man has furnished much money to aid the rebellion he now has a safeguard from

<sup>28</sup> Edmund F. Cole, Fairview, Iowa, a fellow teacher whom he had met in Morgan County before the war.

<sup>29</sup> Probably refers to the expedition from Helena up the Yazoo River, August 16-27, 1862. See *Official Records*, Ser. I, Vol. XIII, 240-48.

Gen. Curtis and is furnished with a regular guard. I can hardly suppress my indignant feelings at such kind treatment of such a fiend.

Tuesday, [August] 19<sup>th</sup>—The expedition which left here Sunday afternoon returned this p. m. It went to Napoleon which is at the mouth of the Arkansas river. Although they did not land at any place they saw the U. S. Marine Hospital at Napoleon so as to form some idea of the building. The object of the expedition was to ascertain whether it was true, as reported, that the rebels were cutting a road through from the Mississippi to the west leading to Little Rock. It was reported that the road was being cut starting from a point somewhere between here and the mouth of the White river and that rebels were crossing the Mississippi and going that road towards Little Rock. The Expedition could ascertain nothing in regard to the road or the crossing of troops. One of the boats when returning was fired upon by a band of guerrillas from the Miss. side. The fire was returned but no casualties on either side. The boys enjoyed the trip very much.

Monday. Aug. 25<sup>th</sup>—Have been sick since last Tuesday with the billious-intermittent fever. Lay in hospital four days, taking quinine, cathartic pills, and other medicines. Thirty two grains of quinine have I swallowed, I believe the only and the last I ought to take. Came out of Hospital this evening. The fever is broken and an appetite regained. Am able to walk about some. . . .

On Friday received a letter from sister Sarah accompanying which was one from brother Turner who is in Esmeralda [County], N[evada] T[erritory]. To-day recd. papers of the 21<sup>st</sup>. On Friday and Saturday we moved our encampment a half mile up the river. We now have a healthier and prettier camp; it is also cooler in our present position.

Tuesday, [August] 26<sup>th</sup>—Mailed daily notes and a letter containing stamps to Sarah. The company selling surplus coffee and crackers and beans, have been able to procure quite a quantity of potatoes and onions.

On account of so many sick and complaining these vegetables are invaluable. We hope that we can soon draw such things from the Government. Our Hospital is full. Diseases are billious intermittent, and typhoid fevers. The latter is not of so malignant a nature as the cases we had at Ironton, last Fall. Our first Lieutenant, the only commissioned officer we have here that is not detached from the company, is sick with the intermittent fever. Our Orderly is in command. Each man in the company has a bunk, built of forks driven in the ground, crosspieces resting on forks, and poles thrown upon the crosspieces. A supply of leaves is then thrown on, upon which the bed is made. The mosquito bar is stretched over the bed by driving stakes which are  $2\frac{1}{2}$  feet higher than the bed. The bunks are usually  $2\frac{1}{2}$  feet above the ground. . . . Wrote in Diary.

Wednesday, [August] 27<sup>th</sup>—It is very dry here—the river is very low; it has lowered about 7 ft. since we came to this place. The boat (Iatan) left here yesterday a. m. for Helena, I learn, run on a sand bar about 8 miles from here. She

was fast late last night. We suppose that the rebels have tried to capture her, for last evening we heard heavy cannonading in that direction. She had two 12-pounders on her and would give the rebels a warm reception if molested. . . .

Thursday, [August] 28<sup>th</sup>—The men in our Brigade are dying off at the rate of one per day. Commencing last evening, we are having dress parade every evening at 5 p. m.

Friday, [August] 29<sup>th</sup>—Heavy cannonading was heard early this morning from down the river. It appears from what I have heard that the cannonading we heard the other evening was the shelling of the rebels who fired several rifle shots at the boat. Constructed a writing stand for my own use this morning and built a bower over the same. There was a good prospect for rain this morning but by noon the sky was clear and the sun was pouring down its hot rays. A curious phenomenon has of late been noticed in the bank of the river between our camp and the river. It seems that a bed of quick sand underlies this bank and that the bed extends into the river bed. This quick sand has been and is constantly being, washed out by the water, so that large sections of earth nearest the river have sunk. This morning a section 300 ft. long and ten to 25 ft wide sunk in 25 minutes time from fifteen to twenty feet, leaving a perpendicular bank next to the mainland. Such phenomena as this is often witnessed along the bank of this river and the Missouri river. I am told that but a few years since on the Missouri in the State of Missouri, the earth for some distance sunk in the manner described for several miles back from the river. Employed a considerable time in reading and meditation.

Saturday, [August] 30<sup>th</sup>—On account of the sinking of the river bank we moved our whole encampment back from the river. Moved my shade, bunk, and studio. . . . Bought Butter and honey—25 cts per lb. for former and 20 for latter. A negro brings in a report from 45 miles below here to the effect that rebel infantry who are in this State attacked one of our gunboats which was going down at 2 o'clock yesterday morning, supposing it was a transport. The gunboat at the time did not notice the attack but dropped down the river a short distance and awaited until morning when she went back and threw 50 shot and shell into the woods where the rebels were, killing and wounding many and shattering houses and demolishing trees for three or four miles in diameter. The gunboat, I understand, had some 32-pounders on her which were put into use. Went on Brigade guard this evening.

[Monday, September 1, 1862.] The *C[*b*]outeau* arrived from above last evening; she departed this morning, going above, taking a large number of our sick, our wounded, and those who were taken prisoners and paroled and not yet exchanged. The former are going, I understand, to Mound City, the latter to St. Louis. Our First Lieutenant, Burnham,<sup>30</sup> is among the sick. Took a boat ride this

<sup>30</sup> Lieutenant J. H. Burnham, Bloomington, Illinois, a teacher at Normal.

morning with eight others, going across the river. Wrote a letter to W. D. Hall, mailing the same and also diary to mother, and a paper to Abel.<sup>81</sup> We were mustered yesterday afternoon for pay.

Tuesday, [September] 2<sup>nd</sup>—Officer of police squad—had a considerable clearing up to do. All filth, leaves, and brush we drew away to the rear of camp. A good many sweet potatoes were brought into camp by negroes. They were bought for one dollar per bushel. Wrote a letter to Gray & Crawford of St. Louis.

Again am I at a loss what to busy myself about. I owe no one a letter, I don't feel like reading, nor like studying, nor like writing. If I felt like studying, I have Agassiz's Method of Study in Natural History before me which would highly please me were I in the right mood. Did I feel like reading, there lays to my left Macaulay's Critical and Miscellaneous Essays, for solid reading; to my right, Pilgrim's Progress for meditative reading; and again to my left is a novel by Alexander Dumas for light reading. And more than this, by stepping a few paces I could have a chance to read the latest daily (Aug. 28<sup>th</sup>). Here lays my Bible, the book of books. What else could be asked? Could a soldier's heart ask more? Should not peace and contentment be with me? There is still a something wanting—a vacancy within my heart—"an aching void the world can never fill."

This afternoon the *Iatan* and White Cloud came from below, passing up with a fine wharf boat which had been captured, in tow. They were accompanied by a gunboat (either the Mound City or Lancaster) carrying 12 guns. The wharf boat seemed to be, from the view we had of her from shore, a valuable prize. She looked more like a floating palace than a wharf boat. I have since learned that she cost \$25,000 when new. The La Cross[e] arrived early this morning from above, bringing a mail and Chicago papers of the 30<sup>th</sup> ult. We rejoice to hear that Pope's command is safe<sup>82</sup> and that he, Burnside, and McClellan can now operate in conjunction. Hemmed towels last evening. Washed this morning.

Saturday, [September] 6<sup>th</sup>—Am now reading Baxter's *Call to the Unconverted*. This morning talked about and reviewed a portion of Geometry. Received marching orders this morning to go on a cotton expedition down the river at 6 this afternoon.

Sunday, [September] 7<sup>th</sup>—Left camp last evening in accordance with orders. Six companies from the 11<sup>th</sup> Wis. and six from our Regt. and a section (2 pieces) of the 1<sup>st</sup> Missouri Battery aboard the boats Emma and Iatan, and a battalion of the 10<sup>th</sup> Ill. Cavalry which went by land made up our force. We went to Laconia (on the Ark. side) landing there at about midnight. Here we all staid until about noon to-day, getting all the melons we wanted to eat. For awhile early in the morning the large melon patch, which covered about two acres, was guarded by order of a cavalry Major. So many of the boys being after melons at once

<sup>81</sup> A brother.

<sup>82</sup> Following the battle of Bull Run, August 30-31, 1862.

those that wanted to buy could not be waited upon and some getting disgusted with the arrangement and others knowing the owner to be a rebel, they broke guard and *got* melons without paying for them. Finally, the Major seeing how difficult it was to protect the coveted melons, relieved his guards. I understood that Col. Hovey when asked by the planter about guarding his melons, said "I'll guard your other property but I don't think I can guard the melons." However, infantry guards were, but I don't know by whose authority, placed about the melons, but they finding it in vain to try to save them the guards were soon withdrawn. Now the boys "pitched in." The planter complained to the Colonel, alleging he ou[gh]t to receive pay for his melons. I believe the Colonel gave him no satisfaction. Afterward our regiment was arraigned before the Colonel, he giving us a brief lecture, after which ordered the commandant of each company to investigate and report to him each man's name that left the boat and got melons. The order was obeyed and about seven-eighths of all present, (although not all of them had been in the melon patch, they helped eat the melons) had their names reported. The Colonel had said in his lecture to us that he should punish to the full extent of the law "every one" found guilty of stealing the planter's melons. It is calculated he will have a heavy task to perform if he punished every man reported. At about noon the Iatan (our regiment aboard) started down the river, leaving the Emma and the 11<sup>th</sup> and the cavalry. The two latter were to gather in what cotton could be found in the vicinity and load it on the Emma. We went on down to the mouth of White river occasionally stopping to enquire of the contrabands about cotton and rebels, returning to Laconia.

Monday, [September] 8<sup>th</sup>—We arrived at this place (Laconia) at about midnight. Having learned yesterday of some cotton opposite of Montgomery's Point in Miss—about 5 miles above the mouth of the White—this morning, our boats—we aboard—set out for it. We succeeded in getting 60 bails and not going over 6 miles from the river.

Tuesday, [September] 9<sup>th</sup>—We got back to Laconia at about three this morning. At ten a. m. we all started for home (Old Town), arriving here at 9 p. m., having brought in in all 100 bails of cotton and learning of 200 more bails. Our trip was a pleasant one, we riding 240 miles, all told, on the river. When nearing this place our boys looked away across the point of land which was between us and home with as much anxiety to see our camp fires as we would have had, fourteen months ago were we nearing our Illinois homes after we had been a long time absent. We were going to our army home, and every eye was gazing away in the dark distance to see who might first espy a camp fire. Soon we beheld one bright light, then another, and another, until all the fires in camp were visible. 'Twas a pretty view. . . .

It is thought that Col. Hovey will never say or do anything more about the melon scrape as there was such good discipline and obedience observed by each soldier while we were out, after he had the guilty arraigned.

Wednesday, [September] 10<sup>th</sup>—Instead of hearing good news from Virginia upon arriving in camp, we were sickened at heart by hearing of McDowell's second secession fight.<sup>33</sup> My God! Is this man to sacrifice tens of thousands more of our noble and true-hearted soldiers before he is cast aside? I don't wonder that his soldiers are filled with indignant feelings.

Received a letter last evening from J. H. Cunningham. Wrote a letter to E. F. Cole. Had dress parade. In an order read at dress parade Col. Hovey offers a reward of \$10.00 to any enlisted man who will report and prove any soldier in his command guilty of stealing. . . . As for me I think I would not report a man now for stealing; but before this order I would have reported one who I thought was actually stealing. I believe this is the sentiments and feelings of a majority of his command. In the same order, it is ordered that each negro cook is to receive from his mess five dollars a month and his clothes as a compensation for his labors. If the majority of a mess desire a black cook and get one, and the minority don't desire one but eat after the negro's cooking and then the latter refuse to help the former pay said cook, the latter will be brought before a Court Marshall and shall suffer such punishment as may be decided upon by such Court Marshall. This is democratic, and I find, by experience, that the majority must rule in a mess as well as in State.

There was a heavy rain here this evening, also a very heavy one on Monday afternoon.

Thursday, [September] 11<sup>th</sup>—Had inspection of arms and a drill this morning. The weather is pleasant. On last Sunday afternoon 10,000 prisoners passed us going to Vicksburg to be exchanged for our sufferers.

Dress parade this evening as usual. Wrote a letter to L. A. Dunlap,<sup>34</sup> mailing the same together with sixteen pages of diary.

Sunday, [September] 14<sup>th</sup>—Six of the companies from our regiment on the *Iatan* and *Alhambra*, accompanied by the ram, *Queen of the West*, left this morning in search of cotton. We rode along very quietly and pleasantly until we arrived near Prentiss which is in Miss opposite the mouth of the Arkansas, when we were fired into by 300 rebels (infantry), loosing two soldiers killed, two wounded, and two negroes mortally wounded. We shelled the woods and a negro afterwards reported that the shell killed seven rebels. This occurred at about sunset. The killed and wounded belonged to Co's. F. and I. and were on the *Iatan* which was in the rear of the other two boats. Our boat, the *Alhambra*, would have been in the rear at the time and our Co. or Co. B. would have suffered the loss, had not the *Iatan* a few moments before stopped to take on negroes. After throwing about thirty shell our Co. and B. landed, taking with us

<sup>33</sup> No doubt refers to McDowell's defeats at both the first and second battles of Bull Run. He was criticized and relieved of command following the second defeat. See Oliver S. Spaulding, Jr., "Irvin McDowell," in *Dictionary of American Biography*, XII, 29-30.

<sup>34</sup> L. A. Dunlap, Canton, Illinois.

turpentine and pine knots, and burnt the whole village (Prentiss), destroying about \$100,000.00 worth of property. A flag of truce was sent before we landed, giving the women and children a half hour to leave the place. We burnt every thing, a single thing not being allowed to be pillaged. I saw a great many things which we as soldiers are actually in need of, committed to the flames, but all must go according to orders. Pianos, guitars, melodeons, superior household furniture of every kind, a store full of goods, the court house with all the county papers, the jail, the tavern, and about thirty dwellings some of which cost \$15,000, all, all committed to the flames. This is the destruction the rebels brought upon themselves by their mean dastardly skulking in the brush on the bank of the river and firing into us. They have met a just retribution. Our Lieut. Colonel<sup>85</sup> who commanded the expedition, believes in a just retribution. After we had satisfied our—shall I say incendiarism we returned to our boat and then we anchored in the middle of the stream.

Monday, [September] 15<sup>th</sup>—Landed again this morning, buried our dead, captured five good mules and horses, and released a negro whom rebels had in confinement. Went on down twenty miles when we landed and found about 200 bails of cotton, half of which was spoilt. While coming down we saw several armed rebels on the bank near Bolivar Landing [Mississippi]. A few shell from our guns on the ram sent them flying.

Tuesday, [September] 16<sup>th</sup>—It rained nearly all day, in consequence of which we did not get in a great deal of cotton. The cotton was found hid in the woods about two miles from the river. Last night I had a heavy fever, consequently to-day am *under the weather*.

Wednesday, [September] 17<sup>th</sup>—Finished getting in the cotton. Got about two gallons of blackberry wine when in the country. Employ leisure moments in reading Scott's novel, *The Abbott*.

Thursday, [September] 18<sup>th</sup>—The cotton buyers with us found and paid the owner of the cotton for it. Went down 20 miles further, to Eustice where we burnt some barges and cars. This place is where the *Mississippi, Washita and Red River railroad* terminates. The road is graded most of the way through to Red river but the track is laid only seven miles out from Eustice. Opposite of Eustice, in Mississippi, and on the river is one of the finest plantations any where along the Mississippi river; it is owned by a Mr Martin. Eustice is but a small town. We now turned back and went up near to Bolivar Landing where we anchored for the night.

Friday, [September] 19<sup>th</sup>—Early this morning we passed eight boats loaded with prisoners on their way to Vicksburg. We had just passed these boats and Bolivar Landing when about 1000 rebels who were concealed in the brush close

<sup>85</sup> Probably Lieutenant Colonel Charles E. Lippincott, Chandlerville, Illinois, Thirty-third Illinois. He became colonel of the regiment when Colonel C. E. Hovey was promoted brigadier general, but Hovey's promotion did not affect Lippincott's rank until after September 20 at the earliest. See diary for September 20.



to the river fired into us with cannon and muskets. Fortunately we were not unprepared for the attack; we had expected it, and had our three boats lashed side by side, the ram and gun boat next to the rebels. We had five cannon, three on the ram and one on each of the transports that we could bring to play upon the enemy, and from appearances they did play most admirably. Our infantry used their muskets and rifles. The enemy fought desperately not giving back an inch; probably they were incensed by our burning their property. Our boats kept steadily along, and the fight lasted as long as the guns would reach the enemy; the latter fired when his shots fell a considerable short of us. Our loss was one artillery man killed and one wounded so his right leg had to be amputated below the knee; one infantry man (Co. I, our Regt.) killed and one mortally wounded. The enemy's loss must have been very great for our shot and shell went right among them. One of our shell bursted right under one cannon and from what we saw we believe it was dismounted. A six pound ball passed through the lower part of the cabin of the Alhambra, and one through the bow of the Iatan and then through the upper part of the cabin of the Alhambra, neither hurting a man but tearing the cabin and throwing the splinters in every direction. The upper parts of each boat is well marked by the enemy's bullets and canister. I counted thirty five holes in the smoke pipes and chimney's on the three boats where canister passed through. Landing this evening on the Arkansas side we got all the melons we wanted. They were given us by a Mr. Alexander of whom our cotton buyers bought seven bails of cotton, paying \$60.00 per bail, in "Green backs". Anchored for the night just above Montgomery's Landing.

Saturday, [September] 20<sup>th</sup>—Raised anchor early and at about eight, a. m. passed Laconia where there was a fleet, probably after cotton. Arrived at Old Town at 5 p. m. Received news of a big battle in Maryland.<sup>86</sup> Col. Hovey has been promoted to a Brigadier General,<sup>87</sup> and it is reported that he has been ordered to report in person, immediately to Gen. [Henry W.] Halleck. If this be true our Brigade is going to lose his much liked services. Received orders this evening to march up the river ten miles, there to make a camp. The 11<sup>th</sup> Wisconsin left on Friday (yesterday) for that place, the sick and weakly men on a boat and the others on foot. Received a letter from sisters Persis and Sarah.

Sunday, [September] 21<sup>st</sup>—Moved camp this forenoon according to orders, the well men coming by land, the others on the Iatan. More than half of our Regt. is now on the sick list. Our camp is now in a clearing in the rear of camp for battalion drill. Getting back into our tents we resumed our daily reading in the Bible, this evening. Am in good health and in fighting spirits.

Monday, [September] 22<sup>nd</sup>—Raised tents and cleared up camp. This morning rebels were seen on the opposite bank of the river. Our battery threw a few shells and balls over among them, which made them scatter. Took a ramble

<sup>86</sup> Battle of Antietam, September 17, 1862.

<sup>87</sup> He had distinguished himself at Cache River, July, 1862.

through the woods. There were four men who died out of the 11<sup>th</sup> yesterday. . . .

Tuesday, [September] 23<sup>d</sup>—Cloudy and rainy. The fleet we saw at Laconia last Saturday passed up the river this morning. Received a letter from A. R. Reynolds and replied to the same.

Wednesday, September 24<sup>th</sup>—Finished reading *The Abbott*, and read in *Baxter's Call*—cleaned my gun. Weather, cloudy and misty, and cool. It is reported that we have orders to leave here for Memphis, on Saturday.

Friday, [September] 26<sup>th</sup>—Companies C. D. E. F. G. and I, and a cavalry force, besides six companies of the 11<sup>th</sup>, crossed the river early this morning to get cotton. I understand we have orders to leave to-morrow. The presumption is that the whole army start for Little Rock on Sunday, for we are told that marching orders have been received by the forces at Helena. . . .

Saturday, [September] 27<sup>th</sup>—Went into the country and got butter and milk. Last night at about eleven our camp was alarmed by firing on the opposite side of the river. Our company and K. was routed and we went over expecting to have a fight, for we supposed that our forces on the opposite side were attacked. Come to get over, we found that the firing was by a few of our men who had been sent back from Col. Lippincott with a message and was given as a signal. Lippincott was out fifteen miles from the river and had found 400 bails of excellent cotton, and had sent back for more teams; accordingly all the spare teams were sent accross this forenoon and this afternoon our company and D, with Capt. Potter commanding the train and escort started to go to Lippincott's command. When we got seven miles, sixty five rebels who were in ambush, attacked us. All told, our force beside[s] the teamsters, numbered but forty men, and we were then in the wagons. Being in the wagons there was no little confusion among us for a few minutes. Every man of us being of the same opinion and accordingly we suddenly found ourselves out of the wagons, some tumbling over others. But no sooner were we out than we found we had no officers save a 2<sup>nd</sup> Lieutenant of Co. D, for they were just ahead of the train when the fight began. However the officers soon made their appearance, they taking a circuit around on the opposite side of the rode from the rebels and got back to us. We then put out skirmishe[r]s and after some fighting by them and we taking one prisoner, Col. Lippincott and force, to our delight come, to us, he being but a little way off, which we did not know when the firing began. The howitzer which the Colonel brought was soon unlimbered and a few shells were thrown, scattering the enemy. Now for the incidents of the fight. I have been obliged to relate incidents of the kind so often and so many times over that it is now an unpleasant duty to write them. It seems that we took the prisoner by he mistaking us for his men. While our skirmishers were out one of Co. D. held quite a converse with some rebels who soon after got several charges from our guns. When Col. Lippincott and force came up, as he had some Missouri cavalry in the van and they were not in good uniform, and as he came to our front, we at first took his

men for rebels and made some preparation to give them a warm reception, but we ascertained who they were before we fired a gun at them. A squad of our cavalry who was with Capt. Potter's train was ahead of Capt. Potter when the battle opened. They saw our Surgeon (Dr. Rex)<sup>38</sup> who was a considerable ahead of Lippincott's train which he accompanied. The cavalry took him for a rebel and fired about twelve shot at him but none taking effect. Capt. Potter was wounded in the arm, and was severely shocked and had an a[n]kle sprained by falling off his horse. Our loss in the fight was one Sergt.<sup>39</sup> killed and three privates wounded in Co. D., and our Captain, as stated, wounded. Several of the negroes with our train were wounded. It seems evident that if Col. Lippincott had not met us as he did that our little band of 40 would have been harrassed a considerable ere we could retreat to the river. The retreat to the river had been determined upon before Lippincott [*sic*] came up. Our train turning back we all returned to the river, the first expedition getting and bringing in 380 bails of cotton.

Sunday, [September] 28<sup>th</sup>—Cloudy this morning. Wrote in diary. Received a letter from M. J. Brown. Read some in Baxter's Call. Attended prayer-meeting this evening. Commenced a letter to sister Sarah. Took a tramp in the woods after grapes and afterwards made some grape wine and grape jelly.

Monday, [September] 29<sup>th</sup>—Helped make out descriptive rolls of thirteen of our company who were sent to the General Hospital at Mound City, Ill. Our regiment sent over one hundred to that place. We have none left but those who can, (or will be able to in a day or two,) march. None were left in the Hospital here. Sent the following books home: three volumes of Macauley's [*sic*] Miscellaneous Essays, and Thacker[a]y's Sketch Book of Paris. Bought [Thomas] Moore's Poetical Works for twenty five cents. Read most of Moore's Odes of Anacreon. Think that the ancient Greeks made a great deal of the subjects, *Wine* and *Love*. Some of the Odes are truly captivating: so profound, so finely expressing the noblest feeling of human nature, the theme so delicately and yet so simply handled, the poetic spirit of the reader cannot resist the charming influence. Who in these times has a purer poetic feeling than did that ancient Greek, Anacreon, whom Moore has so finely made us acquainted with? Such men as he are now few and far between. Lovely Lalla Rookh! She, too, was remembered for the pleasure she furnished me last Winter.

Friday, [October] 3<sup>d</sup>—Feel old and stiff, my bones aching very badly. Had a fever this evening. The paymaster arrived this afternoon and paid the 11<sup>th</sup>. The weather disagreeably warm. Orders received to march to-morrow evening. Gen. [C. E.] Hovey says we are, unless the orders are countermanded, going to take a six or seven days trip up the river. It is now generally believed that we are going

<sup>38</sup> Dr. George P. Rex, Perry, Illinois.

<sup>39</sup> Sergeant Thomas Mason, Taylorville, Illinois.

to Sulphur Springs, Mo. [Peter J.] Osterhaus' Division are leaving Helena to-day on boats. Steele's Division and Osterhaus' are going to the same place; Generals [Eugene A.] Carr's and [C. C.] Washburn's and [A. P.] Hovey's (Indiana man) Divisions remain at Helena for the present.<sup>40</sup>

Monday, [October] 6<sup>th</sup>—Reached Helena in the night and laid by until 4 o'clock this afternoon. Visited the fort in process of building at Helena. It will be a formidable work when completed, mounting five 28-pounders, sea coast siege guns. The work is being built of earth. There are a great many boats at this wharf—probably over fifty. Most of them are being loaded with troops that are going to Missouri. We are on board of the *Des Moines*, a side-wheel boat. Our whole regiment is aboard, and hence we are crowded, every corner on the hurricane-deck, boiler-deck, and lower deck being filled. Our teams and baggage came up to this place by land. Took on board our baggage—the teams are coming on some other boat.

Tuesday, [October] 7<sup>th</sup>—Traveled from four last evening until 8 this morning, at which latter time we found ourselves at the wharf in front of Memphis. The night was very pleasant and agreeably warm, and the ride was delightful, the moon shining in all its brilliancy. Passed nothing of any note until we neared Memphis. Here we saw the wrecks of the rebel gun boats *Gen. Bragg* and *Jeff. Thompson*. It will be recollected that these boats were destroyed by our fleet in the naval engagement just below Memphis. Most all of us went up into the city of Memphis. I visited *Court Square* in the centre of which is a marble bust of Gen. Jackson which is placed upon a fine block of marble upon which are several inscriptions. One of the latter is this "*The Federal Union: it must be preserved.*" This is the inscription the rebels tried to erase. The marks where the ruthless hands used the chisel upon the words "Federal" and "Union" are plainly to be seen, and those marks will long remain as monuments of the barbarity and degradation which treason has brought the South to. Court Square is a lovely place: it is a small park. Here there is nothing but beautiful shade and ornamental treess among which are live oaks, magnolia, and evergreens. The walks which lead from the middle of each side and from each corner to the centre of the Square, and around the Square, are superb. The Green is beautiful. But the most cunning of all that is in the Square is the three hundred tame grey squirrels which amuse all visitors with their pranks. Here is where hearts are won, and broken hearts healed.

To go through Memphis—that is through the business portion of the town—the only portion I went through—one would think that the war had not had such telling effects upon the place as he was ready to believe. Left Memphis at four this afternoon.

Wednesday, [October] 8<sup>th</sup>—Have been traveling since we left Memphis. This

<sup>40</sup> The above brigadier generals commanded divisions in the Army of the Southwest.

morning we passed the *J. C. Swan*, a fine large boat, which was fast on a sand bar where she has been for nearly two months. We passed Forts Pillow and Randolph and the C[h]ickasaw Bluffs during the night. There are a few troops at Fort Pillow and a Gun boat lay in the river in front of it.

Thursday, [October] 9<sup>th</sup>—We have not stopped since bidding adieu to Memphis, and still we are traveling, however, soon we'll be in Cairo, Ills. We passed Island No. 10 at eleven o'clock last night. We had a very good view of the place there being a bright moonlight. How anxious every soldier on the boat was to see the place! Nothing is now left except a few destroyed fortifications and the marks on trees where balls hit, to show the severe contest which was waged there last Spring. I was told by our pilot that there was a battery there on the main land, but we could not see it. We passed New Madrid at about ten last evening and Columbus at about five this morning. The pleasant part of our journey was interrupted this morning by a chilly rain. I have just been writing to sister Maria. Cairo is in sight.

We arrived at Cairo at nine this a. m., and left at about four this afternoon. Just as we were landing at Cairo we gave three long, loud, and hearty cheers for Illinois, our own noble State.

Friday, [October] 10<sup>th</sup>—We run last night until we reached Commerce where on account of darkness we laid by until daylight this morning. Passed Cape Girardeau this morning. This is a beautiful place, it having several excellent buildings, among which are the Nunnery, the College, and St. Charles Hotel. Am still traveling, but oh, what weather, so cold and gloomy! How different it is from any we experienced while we were below! We all suffered a great deal last night, a great many of us not getting any sleep. I never saw such a set of shivering beings. I felt as though I was peculiarly blest last night, for I was privileged to sleep in a state room under the Mate's berth, on the floor. Yesterday at Cairo I met a good many old acquaintances who were in the 101<sup>st</sup> Ill. Regt. Company H of that Regt. was raised at and about Franklin, Morgan Co. Ill. Several of my old students at Long Point and Franklin are in the company.<sup>41</sup>

Saturday, [October] 11<sup>th</sup>—Arrived at Sulphur Springs this morning. Unloaded and camped. The weather is more pleasant to-day. A regiment goes down the Iron Mountain R. R. every day to Pilot Knob. Read to-day's paper.

Sunday, [October] 12<sup>th</sup>—Wrote a letter to T. Luttrell and one to Rev. Newman, both of the 101<sup>st</sup> Ill. Regt.<sup>42</sup> Cleaned up our guns and accouterments, and had inspection this afternoon. The 8<sup>th</sup> Ind. went down the R. R.

Monday, [October] 13<sup>th</sup>—Broke up camp this morning and loaded our baggage and startted for the Knob at about eleven a. m. Arrived at the old stamping ground a little before sunset.

<sup>41</sup> Wilcox taught school in Long Point and Franklin, Illinois, before entering Illinois State Normal University.

<sup>42</sup> William T. Luttrell, Morgan County, Illinois; Reverend Wingate J. Newman.

ous features of agriculture in the modern cotton and corn region none is quite so disastrous as the system of tenancy evolved after the Civil War.

Manufacturing in the South was retarded by the dominance of agriculture, by slavery, by lack of capital, and by economic domination of the North. Only since about 1880 has the South begun to build a manufacturing structure more secure than that of New England. The rise of cities is a normal phenomenon for such a region, is desirable, and is inevitable. The South promises to outrank other sections in population, relatively, and possesses industrial potentialities equal to theirs but is far below the norm for the country in attractiveness of countryside and in the quality and value of farm homes and home equipment.

For a strip of semiarid land, the author believes, the United States fought a Mexican War that cost it the respect of the whole of Latin America though geographically Texas is peripheral to Mexico and continuous with America.

Writing "for the well-read layman, the thoughtful student of Southern Institutions," frankly from a Southern viewpoint though feeling free on occasion to criticize his region, the author, it seems to the reviewer, makes excellent use of his wide knowledge of economic and geographic conditions and their influences. Some will complain of an overemphasis of the scientific, though in this emphasis lies the main contribution of the study. Occasionally the generally excellent style becomes heavy and overtechnical if not involved.

There are a few slips: apparently a verb after "earthworms" should be plural (p. 57); manufacturing was only one of a number of cures suggested for the ills of the South (p. 7); what appears to migrants to be an economic retrogression in a frontier zone may actually be an advance for the region (p. 5). The statement that "a large percentage of the slaves were too young or too old to be effective economic producers" and were "detailed for servant duties, largely unproductive, even though quite essential" is not strong evidence of "the uneconomical economics of slavery" (p. 230). Under any type of regime those "incapable of work save that of the most trivial sort" and ineffectives, young and old, bond or free, must be supported by society, directly or indirectly, through owners, employers, or otherwise. Their assignment to unproductive servant duties, the reviewer believes, has little bearing on the economics of the situation.

There are numerous attractive illustrations, a valuable if "abbreviated" bibliography, and an adequate index.

Iowa State College

V. ALTON MOODY

*Seed from Madagascar.* By Duncan Clinch Heyward. (Chapel Hill: University of North Carolina Press, 1937. Pp. xiv, 256. Illustrations. \$3.50.)

This book is a notable addition to the already long bibliography of the rice industry, which came to South Carolina late in the seventeenth century as seed from Madagascar, and, after flourishing for two centuries, vanished from the

tidal swamps of the Carolina low country before the rivalry of the irrigated prairies beyond the Mississippi.

The story of this golden swamp seed is shot through with the romance and tragedy of fortunes which came and went with the seasons, leaving in their wake the tradition of a basic industry gone down in ruin, and a group of great families with their dependents to face the problems of readjustment to a changed economic world. In his foreword, former Governor Heyward tells us that he wrote his book in answer to the haunting question in the eyes of the portrait of his great grandfather, Nathaniel Heyward, the largest rice planter of his day, who owned seventeen plantations and more than two thousand slaves: Why are these plantations, which brought him such golden profits, no longer planted by one of his name?

Himself the last of the rice planters, the author writes from personal experience and from the solid basis of his own plantation time books, the diaries of Charles Heyward, his grandfather, and from other manuscript materials inherited from the four preceding generations of his rice-planting forbears. With charm and simplicity, he narrates the alpha and omega of rice culture in South Carolina from the arrival of the first packet of seed brought by Captain Thurber in 1685 to the climax in the moving story of the hurricane floods of 1910 and the final curtain in 1914. The methodical routine of plantation life in seedtime and harvest; the social order of planter, overseer, driver, and plantation labor, both slave and free; the judicious analysis of the plantation system; all these are interwoven into chapters of surpassing charm.

Seventy-four illustrations from photographs by Carl Julien sustain the narrative with pictures of plantation owners, plantation scenes, field hands, and the wild things of the swamps. These pictures are not more faithful to the truth than the narrative itself. The people, the places, the times, are real. With humor, fidelity, and understanding, "Maus Clinch" portrays his Negro friends, and renders in perfection their peculiar dialect so well known on coastal plantations as Gullah. "Oh me Gawd! Me Maussah 'e 'ent hab no lan'!" is the poignant wail of old Judy when she learns that the last of the family plantations has been sold to strangers.

Those who know the Carolina low country as it was and is, will rejoice that one whose roots are in its soil has possessed the gift to write. His book may well be evaluated as the definitive biography of an industry which has passed into South Carolina history but which should not be said to have vanished, for it lives on in *Seed from Madagascar*.

Historical Records Survey

ANNE K. GREGORIE

*Our Catholic Heritage in Texas, 1519-1936*. Prepared under the Auspices of the Knights of Columbus of Texas Historical Commission, Paul J. Foik, C. S. C., editor. Volume III, *The Mission Era: The Missions at Work, 1731-*

1761, by Carlos E. Castañeda. (Austin: The Von Boeckmann-Jones Company, 1938. Pp. xii, 474. Bibliography, illustrations, folding map. \$5.00.)

*The Missions at Work, 1731-1761*, is one of an ambitious seven-volume series under the general title *Our Catholic Heritage in Texas*. The inception of this work with two volumes published in 1936 was discussed at length by the reviewer in the May, 1937, issue of the *Journal of Southern History*.

Because the third volume deals with practically the same period covered by Dr. Herbert E. Bolton's pioneering and episodic *Texas in the Middle Eighteenth Century* (Berkeley, 1915), it will add less to the general fund of knowledge already available in published books than any of the other volumes in the series. The author frankly states his belief that he has made a substantial contribution to the history of Texas in his chapters on the Big Bend region, and this opinion will doubtless be shared by many who insist on viewing United States history as divided into forty-eight indivisible and inviolate sections. The facts remain that mere geographical accident placed a few missions across the Rio Grande in the Big Bend, and the element of contemporaneity was the chief connection between them and the main body of Texas missions. Yet Dr. Castañeda must be given credit for presenting the first narrative of the early Spanish activities in the region of the Big Bend of the Rio Grande, and for adding many details to the Bolton account. Population statistics and inventories of mission properties are presented with enough exactitude to merit the approbation of even those sociologists who view much of modern treatment of American history as too impressionistic but contribute, in small measure, to the book's chief fault—its style. To say the least, the author's frequent choice of stereotyped phraseology and adjectives is not as suggestive and stimulating as the dictates of accuracy permit.

On the whole, *The Missions at Work* must be viewed as an integral part of a series which is a very substantial and sound addition to Texas history. Certainly the whole group should be classified as "standard." If radical revisions are made in its conclusions in the next few years, they will perhaps not be made in its strictly mission and military history but rather in the realignment of current theories concerning Texas Indians. This realignment will demand an ability on the part of one individual to combine the historical, anthropological, and ethnological approaches to the problem. Unfortunately, few individuals with such training darken the historical horizon, even in Texas.

It remains to be said that the next two volumes of this series, which will deal with the last years of the mission system and the filibustering era, are urgently needed and will probably be the most important of the group.

Both bibliography and index are well prepared, and the map is clearer and accordingly more usable than those in the two preceding volumes.

Louisiana State University

WILLIAM R. HOGAN



*The Maryland Press, 1777-1790.* By Joseph Towne Wheeler. (Baltimore: The Maryland Historical Society, 1938. Pp. xiv, 226. Illustrations, bibliography. \$4.50.)

In the field of American history few theses written in "partial fulfillment of the requirements for the degree of Master of Arts" have any permanent value; but there are pleasing exceptions, of which number *The Maryland Press* is one. The work, says the author, "was undertaken as a continuation of Dr. Wroth's valuable contribution on the *History of Printing in Colonial Maryland*."

Of the 226 pages in this volume, 149 are given over to a "Bibliography of Maryland Imprints." Much of the remainder is devoted to the careers of the Goddards and their various partners in printing enterprises in Providence, New York, Philadelphia, and Baltimore, to say nothing of service seen by one of them in the French Revolution.

But William Goddard and his sister, Mary Catherine, merit all the space given to them. In contending for the freedom of the American press, William Goddard, ignored in our textbooks, is a figure of equal importance with Peter Zenger, whom all the textbooks mention. Zenger contended for freedom to criticize British colonial policy in time of peace and his trial was conducted in a provincial court with public opinion favorably disposed and as such reflected in the jury of fellow colonials. On the other hand, Goddard triumphantly defied, in time of war, the action of the partisan mobs that threatened his life without benefit of trial.

Furthermore, Goddard was the founder of the independent American Post Office, which he in 1774-1775 set in operation from New Hampshire to Georgia, a distinction popularly accredited to Benjamin Franklin, who succeeded to the management of what Goddard had created.

The career of Mary Catherine Goddard was, for a woman of that day and time, equally remarkable. She successfully carried on the publication of the *Maryland Journal and Baltimore Advertiser* while her brother was conducting the "Constitutional Post Office," and this was not the only enterprise turned over to her capable management.

Incidentally, Goddard had several interesting associations with George Washington; for example, the longest advertisement carried in the first issue of his Baltimore newspaper of August 20, 1773, was that in which Colonel Washington advertised his landholdings in what was then Virginia beyond the Ohio River. The jeopardizing of the title to these lands by the Quebec Act probably did as much as any proceeding at Boston to bring the master of Mount Vernon into the Revolutionary cause.

As this reviewer has had other occasions to mention, the Maryland archives disclose a delightful independence in the making of words, dictionaries, or no dictionaries. "Heredicrous," for example, in the early Colonial period is a perfect spacesaver for theories considered *heretical* and *ridiculous*; and here the

reviewer encounters the term "printress" applied to Mary Goddard in the formal agreement by which William Goddard turned over the "proprietressship" (if one may use the word) of the *Maryland Journal and Baltimore Advertiser*.

An interesting point connected with the bibliography concerns the list of theater imprints; for Baltimore, a boom town of Revolutionary days, was quick to follow the example set by Annapolis and Williamsburg, which were theatrical centers when Puritan New England frowned on the stage and when it had secondary rating in New York and Philadelphia.

Baltimore, Maryland

MATTHEW PAGE ANDREWS

*The Siege of Charleston, with An Account of the Province of South Carolina: Diaries and Letters of Hessian Officers from the von Jungkenn Papers in the William L. Clements Library.* Translated and edited by Bernhard A. Uhlen-dorf. (Ann Arbor: University of Michigan Press, 1938. Pp. xi, 445. Illustrations. \$4.00.)

The papers consist of a letter written at William Archel's plantation, John's Island, February 29, 1780, by Captain Johann Ewald, and Captain Ewald's diary, March 28-June 19, 1780; diary of Captain Johann Hinrichs, December, 1779-June 25, 1780, and his "Philosophical and Historical Remarks Concerning South Carolina"; diary of Major General Johann Christoph von Huyn and letters to Baron von Jungkenn from Captain Hinrichs, North Edisto River, February 10, 1780; letters from Major Philip von Wurmb, in camp near Charles Town, May 13, 1780; from Major Wilhelm von Wilmowsky, near Charles Town, May 13, 1780; from Captain Johann Ewald, before Charles Town, May 13, 1780; and from Major von Wilmowsky, on the *Romulus* in Charles Town Road, June 4, 1780.

Much has been written about the siege of Charles Town (changed August 13, 1783, to Charleston). Several of the participants on the American side have told their stories and several of the British officers who participated therein have told theirs, and here is a collection of accounts by German officers in the employ of the British government. They have related their stories in most entertaining style and—unless the smooth, graceful English which one reads on the odd pages is attributable to Dr. Uhlen-dorf's translation of the German text on the even pages—polished diction.

There is an element of impartiality in these accounts that is not found in either the British or American accounts. The Germans did not hesitate to bestow praise on any American performance that they regarded as creditable, or to praise the country or its people. The records show that the German hired troops contributed far more to the capture of Charles Town than either American or British historians have given them credit for.

As examples of content, Captain Ewald gives a record of their embarkation at New York and the stormy passage to Savannah. He writes complimentary ac-

have been the fault of the printer, for most printers will put in the *r* if the proof-reader does not look for it. The editor is in error in rendering Coligny as Coligni, while Hinrichs is in error in having the Spaniards capture Charlesfort and put Ribaut and the greater part of his force to death there. Charlesfort was abandoned by its little garrison before 1564, and before Ribaut could return thereto. In 1564 Laudonnière, Ribaut's lieutenant, built a fort at the mouth of the St. John's River in Florida and called it La Caroline, also in honor of Charles IX; that is what the Spaniards captured, and it was there that Ribaut and his force were killed. The whole country was universally called Florida until Charles I granted that part lying between the thirty-first and thirty-sixth degrees of latitude to his attorney general, Sir Robert Heath, in 1629, by the name of Carolana. His son, Charles II, regranted it in 1663 to eight of his supporters as Carolina.

The reviewer must reproduce an observation entered in Captain Ewald's diary on the day of the surrender of Charles Town, because it smacks so much of present-day language:

"Since all the inhabitants of the city are rebels and have been under arms, we are liked about as well as a Prussian officer in Dresden after the Seven Years War."

Historical Commission of South Carolina

A. S. SALLEY

*Tarnished Warrior: Major-General James Wilkinson.* By James Ripley Jacobs. (New York: The Macmillan Company, 1938. Pp. xix, 380. Maps, illustrations, bibliography. \$3.50.)

Major Jacobs has essayed a difficult task. He seeks to interpret the career of one of the most unconscionable and at the same time one of the most naïve men in American public life. In pursuit of his purpose he has visited the leading libraries and other repositories of the United States—as three pages of his introduction attest—and in addition finds it necessary to express personal obligations for material aid to more than a score of private individuals. An eleven-page bibliography lists the published and unpublished source material used, including some twenty-seven newspapers, and mentions four pages of secondary books and monographs. Moreover, the text gives evidence that the author has used this formidable array of titles to advantage. He seems to have selected the best sources available in this country; possibly a sojourn in Mexico or in Europe would have enriched his bibliography, without necessarily increasing the potency of his pen.

The author wields the pen withal in a clear, attractive, and restrained style. He analyzes with skill many phases of Wilkinson's baffling career, but he seldom attempts to determine the reader's reaction for him. Occasionally he exhibits a mild irony which proves more effective than pages of invective. Generally he leaves the narrative to produce its own effects. For instance, a mere enumeration of the horrible conditions along the Lower Mississippi in 1809 (pp. 252-60) is enough to establish the General's incompetence as administrator, while the de-

scription of the disastrous campaign of 1813 (pp. 283-300) shows his incompetence as wartime commander. Per contra Major Jacobs attributes to him more ability and energy during his Revolutionary career and greater success as disciplinarian of our diminutive Western army than the reviewer, for one, would concede. As a pompous martinet Wilkinson may have impressed some of his contemporaries and deceived others; but there is little in his treacherous course or turgid rhetoric to call for a modern apologia.

We do not characterize the author as an apologist. Nevertheless, in an endeavor to be fair, he seems occasionally to slur over Wilkinson's obvious faults and foibles. When necessary to bridge over gaps in the narrative, he relies too readily on Wilkinson's *Memoirs*, while giving too little credit possibly to Daniel Clark's *Proofs*. In view of testimony now available in support of Clark's charges a modern writer might well reverse the process. Nor will Burr's defenders admit that Jacobs is just to their hero. Apparently it is inevitable that those who try to be fair to one must decry the other. Perhaps the only recourse is to characterize them, as did a sharp-tongued contemporary, as "a brace of unprincipled scoundrels."

Major Jacob's own experience enables him to give clear and pleasing explanations of military details. Nor are these features of his work lacking in criticism or humor. Wilkinson's course frequently calls for such treatment. The reviewer ventures to point out a few instances of doubtful interpretation. Monmouth (p. 56) is usually regarded as a drawn battle and not a defeat. Burr (p. 210) did not have to *try* to become president, Jefferson's enemies put him in that rôle. Too much emphasis (p. 220) is given to the so-called Mexican Association. One would hardly say (p. 238) that Hay *ably* directed Burr's prosecution. The correspondence with Jefferson clearly demonstrates the opposite. "Sore-headed" is an adjective that scarcely applies to Truxtun (p. 238). It is questionable (p. 324) if Wilkinson was actually acquainted with Bolivar, or if O'Donoju (pp. 330, 331) really joined the Mexican patriots. Rather he accepted the plan of Iguala as inevitable.

There are also a number of positive slips that seem unaccountable in so scholarly a work. The firm of Burrows Brothers (p. xv) is located in Cleveland, not Cincinnati. Gardoqui (pp. 77, 87) was not technically minister to the United States, nor was Gayoso (p. 98) technically governor of Natchez or Folch (p. 205) of West Florida. Napoleon (p. 135), of course, did not declare war against Spain in 1793, nor was William Dunbar (pp. 181, 195) "a recent suicide." Wilkinson wrote (p. 211) *to* and not *from* Richmond Hill. Pike (p. 225) did not reach the headwaters of the Arkansas in August, 1806, but the mid-course of that river, nor did Miranda (p. 226) sail from New Orleans. Swartwout and Ogden (p. 231) separated before the former reached Wilkinson's camp. "Green Gulf" on the map opposite page 236 should obviously be "Grand Gulf." The date 1815 (p. 301) should be 1814. The initials of A. C. Rodney (p. 333)

should be reversed. There are also some typographical errors on pages 93, 153, 186, 202, and a line is transposed on page 258.

Despite these minor slips and the above differences in interpretation, the reviewer must congratulate Major Jacobs on bringing out the best study of Wilkinson that has yet appeared. The enigmatic General will long continue to attract psychologists and those who seek to unravel deft intrigues, as well as other biographers. They may congratulate themselves if they succeed in presenting as commendable a work as Major Jacobs has given us.

Northwestern University

ISAAC J. COX

*The Tobacco Kingdom: Plantation, Market, and Factory in Virginia and North Carolina, 1800-1860.* By Joseph Clarke Robert. (Durham: Duke University Press, 1938. Pp. xiii, 286. Illustrations, bibliography, appendixes. \$3.00.)

This pioneer work on tobacco history shows the origin of modern cultural techniques, traces the rise of the warehouse-auction-sale system, and furnishes distinct proof that the manufacture of tobacco was well developed in the South before 1860. It is written in such vigorous style that the year-by-year account of prices and production is not only readable but interesting. That the author, a native of cotton-growing Mississippi, should penetrate the intricacies of tobacco culture and manufacture is an indication of the solid scholarship of the study. Extensive use was made of periodicals, newspapers, and manuscript records, and nowhere has the reviewer found a more notable collection of bibliographical material bearing on the history of tobacco. Among the several interesting illustrations, the tobacco calendar, used as end sheets, is outstanding.

In the first section, devoted to the production of the crop, the author, from painstaking analyses of original manuscript census returns, shows that the average tobacco farm of the Virginia-Carolina area varied in size from 129 to 478 acres. Labor was performed by slaves, usually in small holdings, or by the whites, although there were frequent exceptions to this generalization. Of prime importance in the history of cultural techniques is the author's clear proof that flues, utilized to a great extent in curing tobacco since the Civil War, were devised several years earlier than the usually accepted date. In fact, the mechanism was carried through the experimental stage from 1820 to 1830.

Dr. Robert's exploration of marketing problems throws new light on that subject. In the evolution of transportation methods from rolling the hogsheads to shipment by railroad, the most typical mode was by boat. Interurban rivalry for tobacco trade in Virginia led first to the construction of a number of canals which tapped the production areas. With the coming of railroads, competition was intensified. Petersburg and Richmond shared the center of the stage although

doubtless attributable to the author's previous studies in the field of the literature of his race. Particularly good are the sketches of Paul Laurence Dunbar and Phillis Wheatley. Very readable also are the portraiture of reformer Sojourner Truth, preacher John Jasper, and educator Booker T. Washington.

The general readability of Professor Brawley's book is considerably impaired by frequency of direct quotation. Many of the quotations are long and tedious. Confusion is added by the failure to use indentation or reduced type for lengthy quotations. Tiresome also is the author's overuse of the words *thus* and *such*. In several instances *thus* appears twice in the same paragraph, and once, at least, it is used twice in the same sentence. The phrase "thus it was" is repeated frequently throughout the book. At times the author wearies the reader with prolonged detail. This is particularly true of the chapters on religious leaders and Negroes in professional pursuits.

Professor Brawley's book is also open to criticism on the subject of selection and emphasis. Questionable indeed is the propriety of including in the roster of "Negro Builders and Heroes" such pillaging and murdering insurrectionists as Cato and Turner, and such murder-bent characters as Gabriel and Vesey. Even more questionable is the author's devotion of more space to these insurrectionists than to men about the constructiveness of whose work there can be no doubt. What justification can there be for devoting half a page to Cato's insurrection and a half sentence to Paul Robeson's singing and acting? Why should two and one half pages be consumed in narrating the plots of Gabriel and Vesey when Countee Cullen and Langston Hughes together are dismissed with a lone short paragraph? What reason can there be for giving in a book bearing the title *Negro Builders and Heroes* six times as much space to criminal Nat Turner as to one of the nation's most eminent scientists of all time, George Washington Carver? One wonders also why no mention is made of the Reverend Isaac Lane, founder of Lane College and pioneer bishop in the Colored Methodist Episcopal Church.

Another defect of Professor Brawley's book is its lack of the critical quality. His treatment of most of the characters is entirely too roseate. The reader looks almost in vain for mention of some weakness or objectionable trait in this galaxy of heroes.

But notwithstanding these and other shortcomings, *Negro Builders and Heroes* deserves to be commended as a rich storehouse of information concerning many phases of the history of American Negroes.

University of Mississippi

B. I. WILEY

*The Old Negro and the New Negro.* By T. LeRoy Jefferson. (Boston: Meador Publishing Company, 1937. Pp. 118. \$1.50.)

Dr. Jefferson's book of 118 pages is divided into two sections. The first, captioned "The Old Negro," deals with American Negroes and some of their prob-

lems during the early decades of freedmen. The second, entitled "The New Negro," is not so much a depiction of the Negro of today as it is the portrayal of an ideal toward which the race should strive.

The author's basic theme is citizenship. He gives much sound advice as to the attainment of this goal. Professional men are urged to be honest. Business men are warned against extravagance. Teachers are enjoined from overemphasis of athletic activities. Preachers, farmers, editors, and politicians are also given practical suggestions as to ethics and procedure. All Negroes are urged to avoid extravagance in burying the dead, to be cautious in investing their money in fraternal organizations, and to refrain from going beyond their means in an effort to "keep up with the Joneses." Prenatal care, venereal diseases, marital faithfulness, and sanitation are also discussed in common-sense vein.

It is unfortunate that a book which contains so much that is sound and practical should be as replete with awkwardness and error as is this volume. Sentences are all too frequently involved and ambiguous. There are several evidences of slipshod proofreading. The second word of the opening chapter has a letter missing. There are four blank pages near the end of the book. There are several instances of the use of an incorrect letter in a word, such as *r* for *s* in *past* (p. 37). Misstatements of fact are not frequent. The reviewer, however, questions the authority of the statement that "men are capable of doing more work depending upon brain substance than women . . . the Creator intended that man was to be the leader or else both would have been created with average equal brains" (p. 74).

University of Mississippi

B. I. WILEY

*Some Memories.* By Thomas Frank Gailor. (Kingsport, Tennessee: Southern Publishers, Inc., 1937. Pp. xvii, 339. Illustrations. \$2.50.)

Memoirs, diaries, and the like have to be appraised differently than other works by the student of history. Arrangement, style, materials have to be accepted at face value, for the ordinary criteria of criticism do not apply. The reader may, however, judge of their contribution to general historical knowledge, their sidelights on major or minor events, the perspicacity of observation, or on the general philosophy of the writers.

Thomas Frank Gailor's *Memories* were written, according to the author's opening statement, to "leave a story" to his children and grandchildren. The anonymous editor or editors bring together an "Introduction" written by the Right Reverend James Craik Morris, bishop of Louisiana, a "Conclusion" by the Right Reverend Henry J. Mikell, bishop of Atlanta, and, as the bulk of the book, the "memories" themselves together with excerpts from a diary, kept with more or less regularity, appended to seven of the thirteen chapters into which the memoirs are divided. Two chapters contain "Some Sermon Notes," accompanied by diary excerpts written from 1926 to 1935, and "Some Letters of Thomas Frank Gailor."

reviewer encounters the term "printress" applied to Mary Goddard in the formal agreement by which William Goddard turned over the "proprietressship" (if one may use the word) of the *Maryland Journal and Baltimore Advertiser*.

An interesting point connected with the bibliography concerns the list of theater imprints; for Baltimore, a boom town of Revolutionary days, was quick to follow the example set by Annapolis and Williamsburg, which were theatrical centers when Puritan New England frowned on the stage and when it had secondary rating in New York and Philadelphia.

Baltimore, Maryland

MATTHEW PAGE ANDREWS

*The Siege of Charleston, with An Account of the Province of South Carolina: Diaries and Letters of Hessian Officers from the von Jungkenn Papers in the William L. Clements Library.* Translated and edited by Bernhard A. Uhlen-dorf. (Ann Arbor: University of Michigan Press, 1938. Pp. xi, 445. Illustrations. \$4.00.)

The papers consist of a letter written at William Archel's plantation, John's Island, February 29, 1780, by Captain Johann Ewald, and Captain Ewald's diary, March 28-June 19, 1780; diary of Captain Johann Hinrichs, December, 1779-June 25, 1780, and his "Philosophical and Historical Remarks Concerning South Carolina"; diary of Major General Johann Christoph von Huyn and letters to Baron von Jungkenn from Captain Hinrichs, North Edisto River, February 10, 1780; letters from Major Philip von Wurmb, in camp near Charles Town, May 13, 1780; from Major Wilhelm von Wilmowsky, near Charles Town, May 13, 1780; from Captain Johann Ewald, before Charles Town, May 13, 1780; and from Major von Wilmowsky, on the *Romulus* in Charles Town Road, June 4, 1780.

Much has been written about the siege of Charles Town (changed August 13, 1783, to Charleston). Several of the participants on the American side have told their stories and several of the British officers who participated therein have told theirs, and here is a collection of accounts by German officers in the employ of the British government. They have related their stories in most entertaining style and—unless the smooth, graceful English which one reads on the odd pages is attributable to Dr. Uhlen-dorf's translation of the German text on the even pages—polished diction.

There is an element of impartiality in these accounts that is not found in either the British or American accounts. The Germans did not hesitate to bestow praise on any American performance that they regarded as creditable, or to praise the country or its people. The records show that the German hired troops contributed far more to the capture of Charles Town than either American or British historians have given them credit for.

As examples of content, Captain Ewald gives a record of their embarkation at New York and the stormy passage to Savannah. He writes complimentary ac-



counts of Charles Town and its inhabitants. Hinrichs offers some explanation of the failure of the combined French and American forces to capture Savannah in October, 1779. He gives much information of the progress of the British forces not revealed by British and American writers who participated in the siege and defense of Charles Town. He overestimates the strength of the defending garrison when he places it at 6,000. The British record of prisoners shows 5,677 officers, enlisted men, and state officials.

In his "Introduction" the editor says: "Proper names, which frequently appear in various guises, have been given correct forms whenever these could be positively ascertained." The form Charleston, which he gives for Charlestown used by the Germans, was never used at the time of the Revolution. The correct form was Charles Town, which was some times corrupted by contemporary writers or printers to Charles-Town, Charles-town, and Charlestown, but never Charleston, although it was pronounced as if so spelled.

The editor corrects the German Sullivans Island to Sullivan Island. That has never been the name and the *s* was never left off by those to the manor born, and only those who were or are habitually careless leave out the apostrophe. Other names incorrectly given by leaving out the apostrophe are John's Island and Monck's Corner, while Cainhoy is incorrectly given as Cainhoy's. The editor incorrectly spells Chisolm as Chisholm, Lining as Linning, Mathewes as Mathews, Purrysburgh as Puryzburg, Cawcaw Swamp as Cocky, and Yonge as Young. He interprets "Trench" Island as Hilton Head Island. In 1666 Sanford called it Trenchard's after one of his fellow explorers. Lighthouse Island was Morris' Island. A lighthouse was built thereon in 1767.

In a footnote on page 91, the editor explains that the "wall of oyster shells and mortar" was called "tapia" or "tappy," but the word most generally used was that given by the manufacturers of the material, "tabby."

Several of the local names are so badly rendered by the Germans that it would be difficult for even one familiar with the names of all the inhabitants of the vicinity and of the names of the various plantations to decipher what the writers were trying to render. To one familiar with the ground it is quite certain that the editor has not correctly rendered the names which he gives as William Ashley, Loan's plantation, and Hammond's plantation.

Hinrichs, in his preliminary remarks on Georgia, falls into a common error that many historical writers persist in perpetuating. It is that Ribaut named the country Carolina in honor of Charles IX of France. He follows this with a succession of errors regarding the French activities there. Charlesfort (not Charles Fort) was established on a little island (since 1715 called Parris Island) in the great harbor by Ribaut called Port Royal, but previously named by the Spaniards Santa Ellena, in 1562. That fort, not the country, was named for Charles IX. Hinrichs places it at "the mouth of Albermarle Sound," which is, of course, incorrect. The misspelling of Albemarle by both Hinrichs and the editor may, after all,

have been the fault of the printer, for most printers will put in the *r* if the proof-reader does not look for it. The editor is in error in rendering Coligny as Coligni, while Hinrichs is in error in having the Spaniards capture Charlesfort and put Ribaut and the greater part of his force to death there. Charlesfort was abandoned by its little garrison before 1564, and before Ribaut could return thereto. In 1564 Laudonnière, Ribaut's lieutenant, built a fort at the mouth of the St. John's River in Florida and called it La Caroline, also in honor of Charles IX; that is what the Spaniards captured, and it was there that Ribaut and his force were killed. The whole country was universally called Florida until Charles I granted that part lying between the thirty-first and thirty-sixth degrees of latitude to his attorney general, Sir Robert Heath, in 1629, by the name of Carolana. His son, Charles II, regranted it in 1663 to eight of his supporters as Carolina.

The reviewer must reproduce an observation entered in Captain Ewald's diary on the day of the surrender of Charles Town, because it smacks so much of present-day language:

"Since all the inhabitants of the city are rebels and have been under arms, we are liked about as well as a Prussian officer in Dresden after the Seven Years War."

Historical Commission of South Carolina

A. S. SALLEY

*Tarnished Warrior: Major-General James Wilkinson.* By James Ripley Jacobs. (New York: The Macmillan Company, 1938. Pp. xix, 380. Maps, illustrations, bibliography. \$3.50.)

Major Jacobs has essayed a difficult task. He seeks to interpret the career of one of the most unconscionable and at the same time one of the most naïve men in American public life. In pursuit of his purpose he has visited the leading libraries and other repositories of the United States—as three pages of his introduction attest—and in addition finds it necessary to express personal obligations for material aid to more than a score of private individuals. An eleven-page bibliography lists the published and unpublished source material used, including some twenty-seven newspapers, and mentions four pages of secondary books and monographs. Moreover, the text gives evidence that the author has used this formidable array of titles to advantage. He seems to have selected the best sources available in this country; possibly a sojourn in Mexico or in Europe would have enriched his bibliography, without necessarily increasing the potency of his pen.

The author wields the pen withal in a clear, attractive, and restrained style. He analyzes with skill many phases of Wilkinson's baffling career, but he seldom attempts to determine the reader's reaction for him. Occasionally he exhibits a mild irony which proves more effective than pages of invective. Generally he leaves the narrative to produce its own effects. For instance, a mere enumeration of the horrible conditions along the Lower Mississippi in 1809 (pp. 252-60) is enough to establish the General's incompetence as administrator, while the de-

## Book Reviews

*The South; Its Economic-Geographic Development.* By A. E. Parkins. (New York: John Wiley & Sons, Inc., 1938. Pp. ix, 528. Illustrations, maps, bibliography. \$5.00.)

This is avowedly an attempt to describe and interpret the civilization of the South in terms of its regional setting and its historical antecedents. This region has tended, the author believes, to follow a normal order of development which, for a time, however, has been misdirected and delayed by "accidents." The Southern environment, the peopling of the South, transportation, agriculture, manufacturing, and urbanization receive attention in turn.

A large part of the geographic, economic, and social phenomena of the South are held to be directly associated with the physiographic provinces or regions. The frontiersman of the Mississippi Valley with characteristics both sturdy and "seamy" was the product of both nature and nurture through variation, natural selection, and adaptation in his living to environmental conditions. The grazing-agricultural frontier has disappeared; an industrial frontier is arising; and an autocracy will follow.

Ante-bellum transportation development was checked by the Civil War. Interest in highways was revived mainly only after the coming of the automobile, though highway building is now keeping pace with that in agricultural states of the Middle West, and the South is as well supplied with railroads as the country at large. The necessity of economic-geographic conditions as a prerequisite to river traffic must be recognized, however, and there is no future for the Tennessee River as an important artery of commerce. There is grave need of a riverways policy.

Large slaveholders made surprisingly few contributions to national or even Southern life outside the field of politics. The poor whites, at the other end of the social scale, were improvident, ignorant, unschooled, degraded morally, and weakened physically by drink and disease. The slavery regime tended to stigmatize manual work in general, encouraged extravagant habits and ways of living, benefited the Negro more than the whites, caused whites to absorb some of the traits and ideals of the undeveloped race, destroyed the soil of the South, made little use of agricultural machinery, and may have led to the uncompromising attitude of so many Southern political leaders (pp. 235-38). Of all the deleteri-

ous features of agriculture in the modern cotton and corn region none is quite so disastrous as the system of tenancy evolved after the Civil War.

Manufacturing in the South was retarded by the dominance of agriculture, by slavery, by lack of capital, and by economic domination of the North. Only since about 1880 has the South begun to build a manufacturing structure more secure than that of New England. The rise of cities is a normal phenomenon for such a region, is desirable, and is inevitable. The South promises to outrank other sections in population, relatively, and possesses industrial potentialities equal to theirs but is far below the norm for the country in attractiveness of countryside and in the quality and value of farm homes and home equipment.

For a strip of semiarid land, the author believes, the United States fought a Mexican War that cost it the respect of the whole of Latin America though geographically Texas is peripheral to Mexico and continuous with America.

Writing "for the well-read layman, the thoughtful student of Southern Institutions," frankly from a Southern viewpoint though feeling free on occasion to criticize his region, the author, it seems to the reviewer, makes excellent use of his wide knowledge of economic and geographic conditions and their influences. Some will complain of an overemphasis of the scientific, though in this emphasis lies the main contribution of the study. Occasionally the generally excellent style becomes heavy and overtechnical if not involved.

There are a few slips: apparently a verb after "earthworms" should be plural (p. 57); manufacturing was only one of a number of cures suggested for the ills of the South (p. 7); what appears to migrants to be an economic retrogression in a frontier zone may actually be an advance for the region (p. 5). The statement that "a large percentage of the slaves were too young or too old to be effective economic producers" and were "detailed for servant duties, largely unproductive, even though quite essential" is not strong evidence of "the uneconomical economics of slavery" (p. 230). Under any type of regime those "incapable of work save that of the most trivial sort" and ineffectives, young and old, bond or free, must be supported by society, directly or indirectly, through owners, employers, or otherwise. Their assignment to unproductive servant duties, the reviewer believes, has little bearing on the economics of the situation.

There are numerous attractive illustrations, a valuable if "abbreviated" bibliography, and an adequate index.

Iowa State College

V. ALTON MOODY

*Seed from Madagascar.* By Duncan Clinch Heyward. (Chapel Hill: University of North Carolina Press, 1937. Pp. xiv, 256. Illustrations. \$3.50.)

This book is a notable addition to the already long bibliography of the rice industry, which came to South Carolina late in the seventeenth century as seed from Madagascar, and, after flourishing for two centuries, vanished from the

should be reversed. There are also some typographical errors on pages 93, 153, 186, 202, and a line is transposed on page 258.

Despite these minor slips and the above differences in interpretation, the reviewer must congratulate Major Jacobs on bringing out the best study of Wilkinson that has yet appeared. The enigmatic General will long continue to attract psychologists and those who seek to unravel deft intrigues, as well as other biographers. They may congratulate themselves if they succeed in presenting as commendable a work as Major Jacobs has given us.

Northwestern University

ISAAC J. COX

*The Tobacco Kingdom: Plantation, Market, and Factory in Virginia and North Carolina, 1800-1860.* By Joseph Clarke Robert. (Durham: Duke University Press, 1938. Pp. xiii, 286. Illustrations, bibliography, appendixes. \$3.00.)

This pioneer work on tobacco history shows the origin of modern cultural techniques, traces the rise of the warehouse-auction-sale system, and furnishes distinct proof that the manufacture of tobacco was well developed in the South before 1860. It is written in such vigorous style that the year-by-year account of prices and production is not only readable but interesting. That the author, a native of cotton-growing Mississippi, should penetrate the intricacies of tobacco culture and manufacture is an indication of the solid scholarship of the study. Extensive use was made of periodicals, newspapers, and manuscript records, and nowhere has the reviewer found a more notable collection of bibliographical material bearing on the history of tobacco. Among the several interesting illustrations, the tobacco calendar, used as end sheets, is outstanding.

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Dr. Robert's exploration of marketing problems throws new light on that subject. In the evolution of transportation methods from rolling the hogsheads to shipment by railroad, the most typical mode was by boat. Interurban rivalry for tobacco trade in Virginia led first to the construction of a number of canals which tapped the production areas. With the coming of railroads, competition was intensified. Petersburg and Richmond shared the center of the stage although

Norfolk made valiant efforts to secure the tobacco produced in the Roanoke Valley.

In the sale of the leaf, radical changes occurred during the ante-bellum period. The inspection law, originally designed as an attestation of the satisfactory quality of leaf intended for export, came to be applied to the sale of tobacco for use in home manufacture. This fact had a part in shaping the marketing plan which developed around legal inspection. The warehouse-auction-sale system evolved largely because of dishonest inspection and the growing custom of selling loose tobacco.

Dr. Robert explodes the assumption that the tobacco industry was at a stand-still from about 1790 to 1840. By means of carefully marshaled evidence, as found in Appendix A (pp. 335-39), he shows that the average hogshead of the area during the ante-bellum period contained from 1,100 to 1,400 pounds rather than 1,000 pounds. Moreover, former estimates have not taken account of the rapid strides in manufacture after 1840.

The rise and growth of the manufacture of plug tobacco to an important position is traced in the third section. A few crude factories in 1800 used about 5 per cent of the tobacco produced, but by 1860 virtually 65 per cent went to supply the demand of domestic manufacturers. Mechanical inventions, foreshadowing the coming revolution in the tobacco industry, did not begin to appear until near the end of the period.

In a final chapter, "The Shadow of Sectional Conflict," the author shows the reluctance of manufacturers to endanger trade relations with the Northern cities. Yet, the bitter feelings aroused by the panic of 1857 indicated that the tobacco area might not refuse the overtures of secessionists as the quarrel between North and South grew more fervid.

The reviewer has observed a few minor omissions. Valuable information on the cultivation of tobacco during the early years of the nineteenth century might have been found in C. W. Janson, *A Stranger in America* (London, 1807). A slight error in dating the establishment of the Danville factory of James Thomas, Jr., would have been avoided by reference to the papers of that manufacturer (p. 195). Although the census figures revealed David B. and Nathaniel W. Harris as important manufacturers in Louisa County, Virginia (p. 181), the papers of the former show that they also developed extensive holdings in Petersburg, Virginia. Likewise David B. Harris owned and supervised a lucrative tobacco business in Kentucky before 1850. Reference to the use of commercial fertilizer or guano (p. 31) might have been clarified by an explanation of the prevailing rage for Peruvian guano during the 1850's. The reviewer also wonders if the so-called soil exhaustion attributed to tobacco culture was not more influential in causing migration to Western tobacco regions than it was in promoting growers of the Virginia-Carolina area to adopt a crop rotation system.

*A Political History of the Cherokee Nation, 1838-1907.* By Morris L. Wardell. (Norman: University of Oklahoma Press, 1938. Pp. ix, 383. Illustrations, maps, bibliography. \$3.50.)

In this volume Mr. Wardell has given a most interesting story of the political development of the Cherokee Nation and of the relation of that important political unit to the United States. Its period covers, generally, that from the thirties of the nineteenth century to the organization of the state of Oklahoma of the present era. It is a very definite delineation of the political life of an independent nation within the confines of the United States proper. The struggles of the well-civilized Cherokee peoples from the time of their removal to the West, and their own democratic evolution in building a remarkable system of law, education, and moral standards, are well shown within the scope of this book.

The volume naturally divides itself into three main periods, the early organization era, the disaster of the Civil War, and the final period of Reconstruction ending with the dissolution of the Nation proper. In each of these periods, Mr. Wardell has given much of the detail of Indian diplomacy, jealousies within the Cherokee state itself, and also the sane judgment of many notable leaders. He has indicated very definitely the peculiar position in which the Nation found itself at the time of the Civil War, and the attempts of both the North and the South to enlist the services of the Indians. The failure of either section to live up to its promises is definitely shown as one of the chief problems of the Cherokees at the time. The tragic consequences of the war, together with the acrimonious days of uncertainty which followed, are given careful attention in showing the attempts of the Cherokee people to salvage something of their national integrity.

Such problems as those of incoming railroads, freedmen, and the ever-advancing white ranks, especially the lawless element, are found with ever-increasing frequency and but betoken the impending dissolution of the Nation. Agents of the United States found the matter of distribution of funds increasingly difficult on account of intermarriage of whites and Indians, questions of rights of freedmen and other groups whose status was uncertain. Points of view on Cherokee national finance, land distribution, judicial spheres, and Cherokee education, are well discussed by the author. Finally, the work of the Dawes Commission and the gradual dissolution of tribal government form a fitting conclusion for the book.

Of particular interest and value in the study is the attention given to the work of individuals. Such characters, both Indian and white, too numerous to mention, are shown in their relations to particular problems and movements. The work of noted Cherokee leaders, Indian agents from the United States, missionaries and military men, though not given in detail, contributes much to the interest of the story. It is in this way that Mr. Wardell has made particularly heavy subject matter pleasant reading.

Throughout the discussion, Mr. Wardell has given careful attention to the peculiar relation between the United States and the Cherokee Nation. He has

indicated the point of view of each during periods of crisis and has shown the reasoning as well as the personal prejudices of each group. Likewise, he has indicated the compromises made, mostly forced, as though by fate, on the Cherokee peoples, until their national integrity was no more.

The book has an excellent bibliography, an index equally as good, and a pleasing format. It is a worthy contribution to the already well-known Indian Civilization series of the University of Oklahoma Press.

Hardin-Simmons University

EMMETT M. LANDERS

*Sequoyah*. By Grant Foreman. (Norman: University of Oklahoma Press, 1938. Pp. 90. Illustrations. \$1.50.)

This little volume tells the story of Sequoyah, the celebrated illiterate Cherokee genius, who gave to his people an alphabet in their own language, which transformed them, almost overnight, into a reading people. Though not much is known of the Indian's life, Mr. Foreman has brought together the little known sources and has made an interesting biography which is timely since Sequoyah's old home has recently been converted into a state shrine for Oklahoma.

Sequoyah's name in English was George Guess. As a youth he was unacquainted with the culture of the whites but as he grew older he became interested in the white man's "talking leaf" and saw the magic of writing. After years of work he gave to his people his syllabary composed of eighty-five symbols, each representing a sound in the native spoken language. This alphabet was accepted by his people and finally resulted in the establishment of the *Cherokee Phoenix*, the first newspaper of the Cherokee people. Through the years Sequoyah was active in political and civic life and was a good citizen.

While the biography itself is a worthy addition to the literature of its field, Mr. Foreman has given little of his own opinion and interpretation of the materials which he has quoted. One wishes for a little more of the clever personal touch found in his other volumes.

Hardin-Simmons University

EMMETT M. LANDERS

*The Circuit Rider Dismounts: A Social History of Southern Methodism, 1865-1900*. By Hunter Dickinson Farish. (Richmond: The Dietz Press, 1938. Pp. xiii, 400. Illustrations, bibliography. \$5.00.)

Few phases of American history need rewriting by dispassionate scholars as does the history of the several churches. Perhaps nine tenths of church histories and biographies have been written by clergymen. Indeed no church more than the Methodist Episcopal Church, South, has need of and deserves a first-rate social history of the period between the Civil War and the turn of the century. *The Circuit Rider Dismounts* is a satisfactory answer to this particular need.

In 1844 agitation over slavery brought to a close the union of American



Illustrative of this value of sociological studies is Charles S. Johnson's exhaustive study of the 43,821 Negroes who have graduated in the past 110 years from American colleges and professional schools. Of this total number, 37,397 have received degrees from Negro colleges and 6,424 from Northern institutions. Since 32,478 have graduated since 1914, the great majority of these educated Negroes are still alive, and 74.6 per cent of them live in the South. Selecting 5,512 of these graduates, Dr. Johnson has made an intensive examination of their background, occupations, earnings, private property, vocational interests, and educational philosophy. Since the great majority of Negro college graduates enter teaching, medicine, dentistry, or the law, each of these professions receives careful study. A score of charts and 142 statistical tables set forth information which the historian could get in no other place. As is inevitable, such a parade of figures makes dull reading, and one might wish that the author had taken greater pains with his literary presentation, but there will be none to question the painstaking thoroughness and the objective realism with which the investigation has been pursued. Students of Southern society will find this an invaluable sourcebook for a little known phase of Negro life. Educators, too, Negro and white, will find Dr. Johnson's suggestions for improved Negro education of high pertinence for the South of today.

University of Wisconsin

W. B. HESSELTINE

*A Southerner Discovers the South.* By Jonathan Daniels. (New York: The Macmillan Company, 1938. Pp. 346. \$3.00.)

Jonathan Daniels has done a good job discovering the South to himself and discovering himself to the South. He has covered the region as a good reporter. His report starts with an autobiographical prologue and winds up with a pointed editorial epilogue. Between prologue and epilogue are intimate human glimpses into the lives and ways of the high and the lowly. The mixture of humanness and cleverness makes interesting reading for all, even if at the slight expense of distorting the picture of the land that is Dixie. Good bits of history and historical interpretation are worked into this report, which deals with such subjects as Arlington, the TVA, the Nashville Agrarians, Southern Policy activities, the Southern 'Tenant Farmers' Union, the Delta Co-operative Farm, government homestead colonies, cotton problems, industrial trends, labor issues, and numerous places and persons, including living and dead politicians.

Mr. Daniels is a sort of lone-wolf critic. He criticizes the South and criticizes those who criticize the South. He criticizes the Nashville Agrarians and criticizes those who criticize the Nashville Agrarians. He discovers that the South is a glutted market for stuffed shirts and would rather be robbed than improved, especially if the improvement is to be by outlanders. And then he discovers that he shares much of the South's distaste for outland reformers. He hits out at

professional Southerners who overwork the Civil War as an alibi for backwardness and likewise at Yankee invaders, whether of the military, economic, or missionary type. He thinks that the town of Norris in the TVA country is too Northern in its pattern for the South. Does he wish the South to catch up with the national economic procession but at the same time to remain Southern for literary purposes?

Mr. Daniels, in preparing for writing this book, made a journey through the South from upcountry to low country, from Virginia to Texas, taking in mountain and river, cotton fields and tobacco roads, "hick" towns and the largest cities. He picked up rich anecdotes and incidents, and he has narrated them brilliantly. In addition to his own observational journeying, the writings of others from Olmsted to Odum reinforce his story or his stories. This author has here manifested a marvelous capacity for recapturing and recreating local scene and color, for making little human happenings live on the printed page. He gives us, for instance, the charged atmosphere and feeling which filled a room in a hotel on Lookout Mountain on a certain occasion when Allen Tate and Dr. W. R. Amberson staged a clash of wits and views before a Southern Policy conference, with the editor in chief of the *Southern Review* in the chair. He can write. He can tell a story, and he can find a good story to tell.

Nuggets of apt comment are scattered through the book. But the general thesis is to be found in the last chapter, which is entitled "Dixie Destination." The one-crop South, the tariff-ridden South, the soil-eroded South is an economic colony, which has not realized its potentiality and which, in reality, has not yet had democracy. It has had the distinct disadvantage of a large amount of absentee ownership. The absentee owners have wished to keep the South in its place, "a place in the nation geographically similar to that of the Negro in the South," says Jonathan Daniels in his pointed judgment. He rejects the human inferiority explanations. A sentence-paragraph in the last chapter reads:

"The Southern Negro is not an incurably ignorant ape."

Another paragraph is used for the statement:

"The Southern white masses are not biologically degenerate."

These are embattled words for the digestion or indigestion of "ineradicable Bourbons and Brigadiers who are devoted to class before region." Here is faith in democracy for the South. Here is an attack on Southern poverty "as a part of the same civilization as Harvard and in a measure as the creation of the same people." Here is recognition that all men, white and black, are in the dark together. "None will get out alone."

This interesting book, it must be noted, carries its social philosophy lightly. It is given over more to personalities than to weighty interpretation, to conspicuous personalities in spite of its democratic flavor. It is a good book to read rather than to study.

*Andrew Jackson: Portrait of a President.* By Marquis James. (Indianapolis: Bobbs-Merrill Company, 1937. Pp. 627. Bibliography, illustrations. \$5.00.)

In a volume which was published five years ago, *Andrew Jackson, The Border Captain*, Marquis James presented a vivid and most readable account of the first fifty-four years of the life of the man who was to become the seventh president of the United States. In a companion volume, which is, of course, in style and method of approach, as well as in subject matter, a continuation of its predecessor, he now gives to an interested public the results of his study of the remaining twenty-three years of that life. Mr. James asserts, and the reviewer agrees, that he is writing biography and not history. He does not use the life of Jackson as a device for recounting a detailed chronicle of the history of the United States during the more than three quarters of a century which that life spanned. Nor does he use it as a theme for philosophical interpretations of the interplay of fundamental and impersonal forces which were shaping the course of the nation's history during the long years that Jackson lived. He is interested in Andrew Jackson as a person, even as a personage, but not as the personification of a new West or of a new democracy or of anything other than Andrew Jackson. The author has studied diligently what Jackson wrote and what others wrote about him. The result is a biography, which, as the subtitle of the second volume indicates, is a pen portrait of Andrew Jackson drawn by Marquis James. The portrait has life and color and brilliancy though it is lacking somewhat in depth.

In the volume here under review attention is centered upon the three final phases of Jackson's life, as a candidate for the presidency in the elections of 1824 and 1828, as president for eight years, and as an old man in a long-desired retirement at the Hermitage. At no time, however, does James let the reader forget that Jackson was a human being as well as a prospective president, a president, and an ex-president. He does this often by giving apt quotations from letters which Jackson wrote or striking statements which he made or was reported by others to have made. He does it also by turning frequently from a description of the President's reaction to some phase of such problems of national importance as the tariff, internal improvements, nullification, or the national bank, to Andrew Jackson's concern for such personal problems as the condition of his crops at the Hermitage, the progress of his adopted son's suit for the hand of a Philadelphia girl, or the illness of a member of his family. In this volume, as in the preceding one, there is much of Rachel Jackson and of Andrew Jackson's protective devotion to her. There is more of Peggy Eaton than there is of nullification. There is more of the personalities of John C. Calhoun, Henry Clay, Martin Van Buren, and many others than there is of refinements of legal and constitutional argument. There are many evaluations of personalities, implied or boldly stated, which bear witness to Mr. James' understanding of human motivation. This volume is recommended to all historians of the Jacksonian period for

much in it, including the footnotes, is of real value to them and to that undefined but often referred to "general public" for entertainment and enlightenment.

The National Archives

PHILIP M. HAMER

*The Hermitage, Home of Old Hickory.* By Stanley F. Horn. (Richmond: Garrett and Massie, 1938. Pp. ix, 225. Illustrations. \$3.00.)

The Hermitage has been neglected too long by historians. This work, while written in the popular vein, is a worth-while addition to the list of Jackson literature. It is not only a history of the Hermitage but also an excellent picture of Jackson's private life in Tennessee as a country gentleman.

The pre-Hermitage period is sketched briefly. In 1792, shortly after his marriage to Rachel, Jackson purchased a farm of 330 acres from John Donelson in the foot of Jones Bend of the Cumberland River. He called the place Poplar Grove and, at times, Poplar Flat. In 1796 he acquired a tract of 640 acres farther up in the bend of the river. The new home was called Hunters Hill. It was here that he established his first store. Suffering financial reverses he sold the estate in 1804. In the same year he purchased 420 acres adjoining Hunters Hill. It was on this plantation, the future Hermitage estate, that he established his home. At his death the plantation contained 1,200 acres.

The origin of the name "Hermitage" is more or less of a mystery. Two conflicting theories exist: one that it was named in honor of the old Donelson home place in Virginia, and another that he borrowed the name from Jeremy Bentham's estate in England. The former seems more plausible.

The original Hermitage appears to have been a comfortable but crude establishment made up of a group of log houses—a large central building two stories high, which constituted the principal living quarters, with three adjacent log houses which were used as sleeping quarters for guests or members of the family. Here Jackson lived for fifteen years.

By 1819 the General's reputation and social position had outgrown the log-house mode of living. He accordingly laid the foundations of the present Hermitage. A comfortable two-story square brick building was erected. In 1831 it was enlarged and elaborated in keeping with the increased prestige of its master. Two wings, a kitchen, and the front and rear porticos were added. In 1834 fire partially destroyed the house although it did not injure the stone foundations and the brick walls. This was a great blow to the "Old Hero," but he immediately ordered it rebuilt. It was completed at a cost of \$5,000 and ready for occupancy in 1836. It stands today as it did in the closing years of the General's life.

When Jackson died in 1845 he left the entire Hermitage estate to his adopted son, Andrew Jackson, Jr. The latter, a poor business man, sold all the land except 500 acres by 1856. In that year he offered the estate for sale and the state of Tennessee purchased it for \$50,000. The state then offered it to the Federal

makes no attempt to explain Vermont's antislavery record beyond a mere mention of the tariff controversy; it is the record itself that he presents.

The second part of the volume, the account of the Underground Railroad in Vermont, is a real contribution to American history. As in earlier works on the subject of the Underground Railroad, Professor Siebert has gleaned his information very largely from his own investigations among people who had themselves participated in the railroad activities or had heard from word of mouth the stories of participators. He has traced the two main routes of the Underground through Vermont and he supplies the names of prominent conductors or operators, the location of farms and stations, and many stories with regard to the traffic. An excellent map of the routes and pictures of operators and stations are included.

Professor Siebert believes that the Vermont Underground reached the height of its traffic sometime after the enactment of the Fugitive Slave Law of 1850, but he is not very informative regarding the number of passengers carried. Again the record is notable for its omissions; it contains no data concerning the arrest of operators. The exact number of slaves carried through Vermont is less important historically than the fact that the will existed to carry them. As record, however, this volume is a welcome addition to earlier works on the Underground Railroad by Professor Siebert.

Tufts College

RUHL J. BARTLETT

*Jefferson Davis: The Unreal and the Real.* 2 volumes. By Robert McElroy. (New York: Harper and Brothers, 1937. Pp. xiii, 783. Illustrations, bibliography. \$8.00.)

There are two justifications for a new biography of Jefferson Davis. The first arises from the fact that new materials are now available which earlier writers did not possess. The second comes from the mere passing of time which has dispelled passions and given better perspective in which to view a controversial subject. Davis was both an historical figure and a symbol of the movement which resulted in the American Civil War. The time has come when the two can be separated and the man himself given the just place in history which he deserves.

Professor McElroy has only half realized the opportunities presented. He has made use of only a small proportion of the new materials available; he has approached his subject with an apology. Exactly what sources the author has used cannot be determined. There are no footnotes and only a very vague sort of "critical bibliography" at the end of the second volume. But from the old-fashioned handling of events leading to secession and dealing with the course of the Confederacy, it is safe to say that neither manuscript nor printed sources have received adequate attention. Mr. McElroy still believes that all the "20,000 which waited on the Missouri and Iowa frontiers" to rush into Kansas after Douglas had introduced his bill, were there simply to "take up claims in order

to make it safe for slave property." He repeats the long-exploded story of Lincoln at the New Orleans slave market and assumes that Lincoln had only moral reasons for opposing Douglas in Illinois and Davis in the nation. While he sees the sectional controversy to have been one between those who defended local self-government against those who favored consolidation, he has not worked widely enough in contemporary materials to see the economic and social forces back of constitutional principles. And what is more serious, he has not studied both sides of the many controversies into which Davis fell. This is especially true in the years when Davis was president of the Confederacy. There the effort to make his position clear without presenting adequately that of his critics gives the impression of special pleading. Johnston and Beauregard get less than justice; Pemberton and Bragg, friends of Davis, a trifle more than their deserts. Nor has Professor McElroy seen the development which took place in Davis' position on various issues. His position in regard to slavery is treated as though it were complete and final from the very beginning. The upholding of squatter sovereignty in one of his Maine speeches is discussed as though it were but a slip made in extemporaneous speaking. As a matter of fact Davis arrived at most of the attitudes he held in 1860 by stages and his course was not always consistent by any means.

Professor McElroy approaches Davis always with an air of apology for his defense of slavery. He seems to be quite certain that all honest men should have agreed with Lincoln on that issue. He fails utterly to understand the Southern position. For that matter he does not understand that of Lincoln, who seems to have been all things to all men on the subject most of the time. At any rate there was nothing peculiar about the fact that Davis viewed slavery as the lesser of many evils which threatened a society in which white men and black men lived together. It was not a sign of moral obtuseness. It does not call for constant talk about good logic wasted on a poor cause.

With these larger faults pointed out, it should be said that Professor McElroy has brought together much material which has been unearthed or sifted anew since the older biographies of Davis were written. He does understand and appreciate the man who has been made the scapegoat for all the sins and imagined sins of Southern secession and attempted nationalism. The work is well written. The temper is always judicious and restrained. Sectional bias is lacking. In fact, while this is not the "definitive biography" which the publishers claim, it does represent another step forward in the sane treatment of the men and events which belong to a very distorted period in American historical writing.

University of Chicago

AVERY CRAVEN

*Southern Negroes, 1861-1865.* By Bell Irvin Wiley. (New Haven: Yale University Press, 1938. Pp. ix, 366. Bibliography. \$3.00.)

To many readers this book will be a confirmation of suspicions or beliefs

indicated the point of view of each during periods of crisis and has shown the reasoning as well as the personal prejudices of each group. Likewise, he has indicated the compromises made, mostly forced, as though by fate, on the Cherokee peoples, until their national integrity was no more.

The book has an excellent bibliography, an index equally as good, and a pleasing format. It is a worthy contribution to the already well-known Indian Civilization series of the University of Oklahoma Press.

Hardin-Simmons University

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This little volume tells the story of Sequoyah, the celebrated illiterate Cherokee genius, who gave to his people an alphabet in their own language, which transformed them, almost overnight, into a reading people. Though not much is known of the Indian's life, Mr. Foreman has brought together the little known sources and has made an interesting biography which is timely since Sequoyah's old home has recently been converted into a state shrine for Oklahoma.

Sequoyah's name in English was George Guess. As a youth he was unacquainted with the culture of the whites but as he grew older he became interested in the white man's "talking leaf" and saw the magic of writing. After years of work he gave to his people his syllabary composed of eighty-five symbols, each representing a sound in the native spoken language. This alphabet was accepted by his people and finally resulted in the establishment of the *Cherokee Phoenix*, the first newspaper of the Cherokee people. Through the years Sequoyah was active in political and civic life and was a good citizen.

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Few phases of American history need rewriting by dispassionate scholars as does the history of the several churches. Perhaps nine tenths of church histories and biographies have been written by clergymen. Indeed no church more than the Methodist Episcopal Church, South, has need of and deserves a first-rate social history of the period between the Civil War and the turn of the century. *The Circuit Rider Dismounts* is a satisfactory answer to this particular need.

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To many readers this book will be a confirmation of suspicions or beliefs



previously held; for others it will destroy idealistic conceptions derived from inheritance or self-delusion. Here, for the first time, in any complete, unified manner, the status, conduct, and treatment of the Negro, North and South, during the Civil War is considered. Extensive research and careful study have produced a book that no student of the Negro and the Civil War can afford to neglect. In the light of the evidence submitted, one is struck with the fairness of the presentation.

The old shibboleth of slave loyalty is shattered by the statement that the Negro "simply waited to see what would happen." The author concludes that, "As a general rule, unfaithfulness and disorder were common in the invaded areas and rare in the interior" (p. 84).

With the exception of those who favored full emancipation and had a genuine interest in his welfare, many Northerners viewed the Negro only as a means to an end. To most Northern supporters, the Negro as laborer, soldier, or servant was vastly more important than as a human being. He was a political pawn. He worked for wages, such as he was allowed. He went to school and was taught the rudiments of an education. He served the North as a soldier and, North and South, he labored on the farm and in the trenches and behind the lines. As a soldier he probably would have been of little use to the Confederacy, but for the North it was otherwise. In general, however, the author writes: "The inconsiderate and discriminatory treatment accorded Negroes in Federal military pursuits, whether as laborers or as full-fledged soldiers, is a regrettable episode in the transition of the colored race in America from slavery to freedom" (p. 344). Freedom, whether early or late, was accompanied by hardships. "Those Negroes who were assembled in contraband camps died by the thousands; those who were employed on plantations received treatment little better than that which they had received under the old régime; those who entered military pursuits were dealt with in a manner more becoming to slaves than to freedmen. In the light of all these unhappy experiences, it must have been apparent to Southern Negroes when the triumph of the North in 1865 assured the final end of slavery that the fight for real freedom had just begun" (p. 344).

The effect of the Negro and the problems raised by his presence and condition as they affected government policy are less carefully considered with respect to the Confederacy than the North. There is no unified treatment of this phase of the subject. A useful bibliographical note and an index are included. There are no illustrations, maps, or charts.

More studies such as Dr. Wiley's are needed. The great personalities and the spectacular events of the Civil War have been written of again and again. It is the background and the explanation for these personalities and events that are needed.

Port Washington, New York

THOMAS ROBSON HAY

cally pertinent observations. His sympathies are clearly with Johnson and the victimized South, but he adds nothing to what other writers have said about Southern conditions.

The book is remarkably free from errors, but a few have been noted which should be corrected in later editions. Bluffton (p. 117) was not a man but a place in South Carolina; Thomas Bragg was not from Alabama (p. 342) but from North Carolina; under the Confederate "produce loan" of 1861 the treasury did not receive the produce itself (p. 351) but only the proceeds from its sale by the planter who was pledged to invest the money in Confederate bonds; the Southern state supreme court judges displaced by military officers under the Reconstruction Acts (p. 754) had not been appointed "under the Confederacy." Led astray by John Bigelow's *Retrospections*, the author has Governor Ellis of North Carolina say that his state would secede because of Lincoln's election (p. 184, n. 1), when in fact Ellis expressed just the contrary opinion. (A correct copy of the original letter is in Nicolay and Hay, *Abraham Lincoln, A History*, II, 307-308.)

If the "general reader" has the weak, flabby mentality which reviewers sometimes attribute to him, he may find this book too heavy for his taste, despite its lucid style; but the intelligent reader who wishes to know what up-to-date scholarship has discovered about the Civil War and its disgraceful aftermath will find it fascinating. It is an excellent book to put into the hands of an advanced college class and doubtless it will be used widely in that way. Contributing greatly to its interest are the many illustrations: portraits, photographs, original drawings, posters, handbills, and documents. The bibliographical note and the extensive bibliography, totaling forty-three pages, are most helpful, except that the arrangement sometimes makes difficult the location of a particular item. The index is very satisfactory.

University of Texas

CHARLES W. RAMSDELL

*The American Civil War: An Interpretation.* By Carl Russell Fish, edited by William Ernest Smith. (New York: Longmans, Green and Company, 1937. Pp. xi, 531. Bibliography, illustrations. \$3.50.)

For many years before his untimely death in 1932, Professor Fish had been planning two volumes, one on the Civil War and the other on Reconstruction, which he hoped to make the crowning work of his life. Death intervened when he had completed the fourteenth chapter, which ends with the first annual message of Andrew Johnson, but before he had had time to finish the work of revision. Professor Smith, one of his former students, has prepared these chapters for publication, written two additional ones on governmental finances and the constitutional aspects of the period, and has added an extensive bibliography.

What Fish undertook to do was, first, to disentangle, describe, and evaluate

the multiple factors which divided the country under two governments and brought on war, and then to do the same thing for those factors which determined the course and outcome of the conflict. He has neglected no important factor and his attitude is as impartial as the most conscientious scholar could wish. More than this, he reveals an understanding sympathy for the convictions of honest men and women on both sides of the battle line. His central figure is, inevitably, Lincoln; and he is perhaps at his best in analyzing Lincoln's apparent shifts of policy—which he regards as mere maneuvers—while he adhered steadfastly to his central purpose of restoring the Union with as little damage as possible to any portion. The book abounds in eloquent, quotable passages, in vivid pen pictures of individuals, in penetrating observations, in flashes of humor.

It is interesting to compare this book with that of Randall. In general point of view they are much alike, but in methods of attack they are sharply different. Randall's has a broader scope, even for the shorter period covered by Fish, and though much more detailed is generally more compact. Fish's work, though not lacking in detail, is more of a brilliant and informed running commentary on the war and the men who waged it. In fact, the two books supplement each other admirably. Fish paid but little attention to the difficult constitutional issues which worried lawyers and courts as well as many other individuals or to government finances. It was to supply this obvious lack that the editor has supplied a chapter on each of these subjects. While in style they fall far short of the brilliancy of Fish and contain some statements to which the reviewer takes exception, they are excellent summaries of difficult subjects and are packed with much useful information.

Professor Smith explains in his preface that the original chapters were in a handwriting "not as easy to read as Horace Greeley's" and that, because they had not been revised by their author, it was necessary to rewrite many paragraphs and pages and to rearrange sentences. These things as well as the inevitable typographical error may account for some of the numerous slips that occur, as in the initials of proper names, wrong dates, an occasional cloudy sentence, and the substitution of a wrong word for the one obviously intended. An example of this last is the word "improvement" (p. 171) for "impressment." Twice Pollard is said to have been the editor of the Richmond *Enquirer* (pp. 127, 173) when, of course, his paper was the *Examiner*. Space does not permit a complete listing. Unfortunately, Professor Fish's original footnote citations were lost and the task of replacing them proved too much for the editor. While their absence is a serious loss, Dr. Smith has to some extent repaired the damage with a bibliography of forty-three pages. The index is useful, if not complete.

University of Texas

CHARLES W. RAMSDALL

indicated the point of view of each during periods of crisis and has shown the reasoning as well as the personal prejudices of each group. Likewise, he has indicated the compromises made, mostly forced, as though by fate, on the Cherokee peoples, until their national integrity was no more.

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Few phases of American history need rewriting by dispassionate scholars as does the history of the several churches. Perhaps nine tenths of church histories and biographies have been written by clergymen. Indeed no church more than the Methodist Episcopal Church, South, has need of and deserves a first-rate social history of the period between the Civil War and the turn of the century. *The Circuit Rider Dismounts* is a satisfactory answer to this particular need.

In 1844 agitation over slavery brought to a close the union of American

Methodism, and in its place there arose two branches very distinct in their concepts. The Northern Methodists adopted a very broad view of the function of the church, while the Southern Methodists, largely to avoid the slavery problem, held to a strict and narrow Scriptural mission. The Northern Church entered the Civil War with fervor and contributed much toward the final outcome. Long before Appomattox it was evident that the Northern Methodists intended to seize much of the property of the Methodist Episcopal Church, South, and to organize an independent following. By 1861 every important Protestant denomination had divided into Northern and Southern branches, but after the war none of them occupied the conquered section so completely as did the Northern Methodists. In no other denomination did so large a membership shift from the Southern to the Northern branch of the same church because of the influence of Northern missionaries.

So low were the fortunes of the Southern Church that many of its members believed that reorganization was impossible, while the Northern Methodists opposed the idea of allowing the treason-tainted Southerners "to slip back into the Church unchallenged." Northern Methodists championed the policies of the Republican party and supported its candidates since only in this way could the gains of the war be retained. Missionaries and Carpetbag politicians were often identical. As a result a deep-seated resentment arose in the South against the policies of the Northern Church, and for a decade after the war the Southern Church devoted its efforts chiefly to a vigorous objective against the Northern branch.

In time the Southern Church, having freed itself from traditions and animosities, readjusted itself to new conditions. Under the direction of a vigorous group of young leaders, it turned to current problems—the plight of the freedmen, education, liberal thought, temperance, moral and humanitarian reforms. In each and every objective the record of the Church has been excellent. "As compared with other faiths in the Southern States, the collective strength of Methodism, all branches included, served to make it perhaps the most potent religious force in Southern life."

In one important phase the reviewer would call attention to the author's conclusions. In the relations between the Northern and Southern churches from the Civil War to the Cape May Settlement in 1876 (when the Methodist Episcopal Church recognized the Methodist Episcopal Church, South, as "a legitimate branch of Episcopal Methodism"), the author gives the Southern Church an almost blameless record while the Northern Church fares badly. It is likely that countless statements drawn from the Southern *Advocates* have weighed too heavily in assessing the record?

The author does not attain a smooth, easy form of writing until more than half way through the book. Excessive quoting deadens the reader's interest. For example, the reviewer selected each seventy-fifth page (75, 150, 225, 300) and

found that the author had quoted the whole or part of 118 lines out of a total of 142. One wonders why the misleading title, *The Circuit Rider Dismounts*, was chosen instead of the excellent subtitle, *A Social History of Southern Methodism, 1865-1900*. Sometimes publishers' demands for catchy titles must be met. Undoubtedly a page from the manuscript was not printed since one section of the bibliography (p. 377) skips from Clark to Raper, while books by Dabney, Fay, Nevins, and others are cited in the footnotes.

Mr. Farish's book is a welcomed antidote to the heavily charged denominational histories of Southern Methodism.

Birmingham-Southern College

WALTER B. POSEY

*Tom Watson, Agrarian Rebel*. By C. Vann Woodward. (New York: Macmillan Company, 1938. Pp. xii, 518. Illustrations, bibliography. \$3.75.)

If the Pulitzer prize judges for 1938 overlook this extraordinary biography, they will have committed a rather larger blunder than usual. With the possible exception of John Randolph of Roanoke, whose successful biographer has not yet appeared, the annals of American politics offer no more difficult character to understand and evaluate than Thomas E. Watson. For a number of reasons Professor Woodward has been able to do admirably what others have only attempted. By a rare stroke of fortune he has had access through Miss Georgia D. Watson of Thomson, Georgia, to the entire Watson collection. Too much cannot be said in praise of the good judgment and sound patriotism Miss Watson has shown in permitting a trained historian to use these papers exactly as his conscience might direct. If more of the descendants of important national figures would so interpret their duty to society, we would be spared more frequently the customary spectacle of great men being made small by biographers chosen from the ranks of broken-down journalists, incompetent friends or members of the family, and imposters who bind themselves only to glorify the sacred memory.

Professor Woodward has enjoyed other advantages besides access to the Watson collection. As a Southerner he can understand the setting in which Tom Watson's life was lived, but as a young man who presumably has lived his entire life in the twentieth century he is far enough removed from the rancors that seared the souls of Watson's generation to write with commendable detachment. Also, he uses the English language with rare skill; for example, when he describes the appearance of Watson during the campaign of 1888: "He was a red-headed Populist—in all but name—with fire in his eye and mutiny in his voice, and he was speaking from the stump to a crowd of ragged, impoverished farmers with the raw corn liquor of revolt racing in their veins" (p. 126).

There were two Tom Watsons—at least two—the one a well-informed and deeply conscientious "agrarian rebel" who proclaimed a new Civil War, "—not bloody as then—but as bitter; not with men who come to free your slaves, but who come to make slaves of you" (p. 135). But the Watson that appeared after

*The Civil War and Reconstruction.* By J. G. Randall. (Boston: D. C. Heath and Company, 1937. Pp. xvii, 959. Bibliography, illustrations, maps, graphs. \$5.00.)

Professor Randall has written a precise, lucid, and thoughtful book, packed with information and conclusions derived both from his own careful researches and from the work of other students. Although he has given relatively little space to the Reconstruction period—hardly more than one fifth of the text—he has supplied the long-felt need for a single scholarly volume covering both the war and the resulting radical domination of the conquered South.

The first three chapters, one of which deals with the institution of slavery, sum up the characteristics of Southern and Northern life; the next three trace the rise of sectional antagonism through the secession of the cotton states and the formation of the Confederate government. In the seventh, entitled "Buchanan's Dilemma," Randall shows more understanding of the peaceful aims and cautious policies of that harassed President than have most historians. Then follow two interesting chapters on the development of Lincoln's policy, as it culminated in the Fort Sumter affair, and the frightful plight in which it placed the Upper South. Randall condemns the shortsighted statesmanship which failed to prevent a war which he thinks was unnecessary. But while he seems to hold Lincoln guiltless of provoking hostilities, he asserts that the "April policy" was "unfortunate" in that it made war inevitable and also drove four more states over to the Confederacy. These two conclusions seem inconsistent, unless he means that Lincoln innocently blundered.

It takes 258 pages to bring us to the opening of hostilities. The next 430 pages are devoted to the progress of the war itself—with the emphasis upon the political, constitutional, and administrative problems—and constitute the heart of the book. Here Randall is at his best, especially in his account of developments in the North, for it is a field in which he has already done distinguished work. Too much praise cannot be given to the lucidity with which he analyzes complex constitutional problems and political situations and the admirably objective manner in which he presents them. If he is severe toward the radical opposition to Lincoln, most of us will agree that he has reason so to be. Less familiar at first hand with the situation in the Confederacy, he has been obliged to depend largely upon the writings of others in that field. If he misses some developments, it is rather the fault of those who have not published their findings than his own.

To the twelve years of Reconstruction only 191 pages are allotted. Possibly for the sake of unity, the author has restricted himself to the story of the contest between Andrew Johnson and the Radicals, a brief account of "The Grant Era," and the collapse of the radical governments in the South. The rising economic-social problems which became so important in later years he leaves untouched. On the constitutional aspects of the radical legislation he has made characteristi-

cally pertinent observations. His sympathies are clearly with Johnson and the victimized South, but he adds nothing to what other writers have said about Southern conditions.

The book is remarkably free from errors, but a few have been noted which should be corrected in later editions. Bluffton (p. 117) was not a man but a place in South Carolina; Thomas Bragg was not from Alabama (p. 342) but from North Carolina; under the Confederate "produce loan" of 1861 the treasury did not receive the produce itself (p. 351) but only the proceeds from its sale by the planter who was pledged to invest the money in Confederate bonds; the Southern state supreme court judges displaced by military officers under the Reconstruction Acts (p. 754) had not been appointed "under the Confederacy." Led astray by John Bigelow's *Retrospections*, the author has Governor Ellis of North Carolina say that his state would secede because of Lincoln's election (p. 184, n. 1), when in fact Ellis expressed just the contrary opinion. (A correct copy of the original letter is in Nicolay and Hay, *Abraham Lincoln, A History*, II, 307-308.)

If the "general reader" has the weak, flabby mentality which reviewers sometimes attribute to him, he may find this book too heavy for his taste, despite its lucid style; but the intelligent reader who wishes to know what up-to-date scholarship has discovered about the Civil War and its disgraceful aftermath will find it fascinating. It is an excellent book to put into the hands of an advanced college class and doubtless it will be used widely in that way. Contributing greatly to its interest are the many illustrations: portraits, photographs, original drawings, posters, handbills, and documents. The bibliographical note and the extensive bibliography, totaling forty-three pages, are most helpful, except that the arrangement sometimes makes difficult the location of a particular item. The index is very satisfactory.

University of Texas

CHARLES W. RAMSDELL

*The American Civil War: An Interpretation.* By Carl Russell Fish, edited by William Ernest Smith. (New York: Longmans, Green and Company, 1937. Pp. xi, 531. Bibliography, illustrations. \$3.50.)

For many years before his untimely death in 1932, Professor Fish had been planning two volumes, one on the Civil War and the other on Reconstruction, which he hoped to make the crowning work of his life. Death intervened when he had completed the fourteenth chapter, which ends with the first annual message of Andrew Johnson, but before he had had time to finish the work of revision. Professor Smith, one of his former students, has prepared these chapters for publication, written two additional ones on governmental finances and the constitutional aspects of the period, and has added an extensive bibliography.

What Fish undertook to do was, first, to disentangle, describe, and evaluate



much in it, including the footnotes, is of real value to them and to that undefined but often referred to "general public" for entertainment and enlightenment.

The National Archives

PHILIP M. HAMER

*The Hermitage, Home of Old Hickory.* By Stanley F. Horn. (Richmond: Garrett and Massie, 1938. Pp. ix, 225. Illustrations. \$3.00.)

The Hermitage has been neglected too long by historians. This work, while written in the popular vein, is a worth-while addition to the list of Jackson literature. It is not only a history of the Hermitage but also an excellent picture of Jackson's private life in Tennessee as a country gentleman.

The pre-Hermitage period is sketched briefly. In 1792, shortly after his marriage to Rachel, Jackson purchased a farm of 330 acres from John Donelson in the foot of Jones Bend of the Cumberland River. He called the place Poplar Grove and, at times, Poplar Flat. In 1796 he acquired a tract of 640 acres farther up in the bend of the river. The new home was called Hunters Hill. It was here that he established his first store. Suffering financial reverses he sold the estate in 1804. In the same year he purchased 420 acres adjoining Hunters Hill. It was on this plantation, the future Hermitage estate, that he established his home. At his death the plantation contained 1,200 acres.

The origin of the name "Hermitage" is more or less of a mystery. Two conflicting theories exist: one that it was named in honor of the old Donelson home place in Virginia, and another that he borrowed the name from Jeremy Bentham's estate in England. The former seems more plausible.

The original Hermitage appears to have been a comfortable but crude establishment made up of a group of log houses—a large central building two stories high, which constituted the principal living quarters, with three adjacent log houses which were used as sleeping quarters for guests or members of the family. Here Jackson lived for fifteen years.

By 1819 the General's reputation and social position had outgrown the log-house mode of living. He accordingly laid the foundations of the present Hermitage. A comfortable two-story square brick building was erected. In 1831 it was enlarged and elaborated in keeping with the increased prestige of its master. Two wings, a kitchen, and the front and rear porticos were added. In 1834 fire partially destroyed the house although it did not injure the stone foundations and the brick walls. This was a great blow to the "Old Hero," but he immediately ordered it rebuilt. It was completed at a cost of \$5,000 and ready for occupancy in 1836. It stands today as it did in the closing years of the General's life.

When Jackson died in 1845 he left the entire Hermitage estate to his adopted son, Andrew Jackson, Jr. The latter, a poor business man, sold all the land except 500 acres by 1856. In that year he offered the estate for sale and the state of Tennessee purchased it for \$50,000. The state then offered it to the Federal

government as a site for a branch of the West Point Military Academy. It was accepted but the threats of war ruined the project and Tennessee retained the property. In 1860 Andrew Jackson, Jr., acceded to the request of Governor Isham G. Harris and returned as custodian. It remained in charge of members of his family until 1888. In 1888-1889 a movement to convert the estate into a home for Confederate soldiers was defeated only after a bitter fight by members of the Jackson and Donelson families aided by the hastily organized Ladies Hermitage Association. It was their desire to preserve and beautify the old place as a national shrine. A compromise was reached and the state granted the Hermitage mansion house and twenty-five acres of ground, including the garden, to the Association, while the remainder was to be used for the soldier's home. In 1934 the entire estate was turned over to the Ladies Hermitage Association. The state, since 1895, has appropriated funds annually to assist in the preservation of the shrine.

A splendid description of the house and grounds is given along with an interesting picture of the Hermitage household. The book is well illustrated and the architectural drawings of the house should be of interest to students of Southern mansions. The index is adequate but there is neither bibliography nor footnotes.

Indiana University Extension Division

POWELL MOORE

*The Negro in Louisiana: Aspects of His History and His Literature.* By Charles Barthelemy Roussève. (New Orleans: The Xavier University Press, 1937. Pp. xvii, 212. \$2.00.)

After setting forth the purpose, scope, sources, organization, and limitations of his study in a brief introduction, the author sketches the history of the Negro in Colonial America as a background against which to project his subject. He then develops the history and literature of the Negro in Louisiana during three distinct periods: ante-bellum, Civil War and Reconstruction, and post-Reconstruction eras. The work ends with a chapter entitled "Summary, Conclusions, and Recommendations."

An appendix of nineteen pages presents pertinent source materials too lengthy to be incorporated in the body of the text or in the footnotes. Six illuminating graphs and sixteen excellent illustrations lend additional value to the narrative. The bibliography, though extensive, includes too many secondary works of questionable value, and omits too much of the available primary source materials, the use of which would have enabled the author to present a better-balanced and more authoritative treatment of his subject. The index is adequate.

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For the student of agrarian history this book sheds welcome light all along the way. The author's substitution of the term, "New Departure Democrats," for the old "Bourbon" misnomer is as welcome as his clear portrayal of the forces that brought this element to power. One gathers, also, that the subsequent revolt of the rural whites had little connection with the Civil War and its issues. It was not freedom from the planter's domination so much as the emergence of a whole crop of new grievances that brought on the farmers' revolt. One marvels at the near triumph of the Populists in the South, particularly in Georgia, and understands better their despair when Western insistence on fusion with the Democrats wrecked the party in 1896. On the Populist schism of 1896 and the forlorn crusades of 1904 and 1908 there is no other comparable account.

For its understanding portrayal of a man, a movement, and a section this book will find a permanent place in the literature of American history. The several photographs of Watson that are reproduced tell, one may add, the same story that is told by the book.

University of Wisconsin

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*The Negro College Graduate.* By Charles S. Johnson. (Chapel Hill: University of North Carolina Press, 1938. Pp. xvii, 399. Maps, charts, bibliography. \$3.00.)

Historians of the future will have much reason to be grateful to modern sociologists. Increased literacy, the printing press, the typewriter, and improved methods of preserving papers combine to create a mass of documents which must sorely try the historian's critical techniques. Moreover, complex modern society has many facets which cannot be caught in the usual documents. To both of these problems the sociologist brings a solution. His ubiquitous curiosity penetrates the darker corners of contemporary life, while his facility in statistical compilations offers a guide to the efficient handling of tons of documents. Yet while the sociologist can aid, he can in no sense supplant the historian. The sense of perspective and the concept of causal relationship between events are absent from sociological studies, while the studies themselves must be subjected to the same rigid internal criticism which the historian gives to any other class of documents. In the end, to the historian, scientific sociology is a valuable ancillary subject and the sociologist a most useful compiler of documents.

Illustrative of this value of sociological studies is Charles S. Johnson's exhaustive study of the 43,821 Negroes who have graduated in the past 110 years from American colleges and professional schools. Of this total number, 37,397 have received degrees from Negro colleges and 6,424 from Northern institutions. Since 32,478 have graduated since 1914, the great majority of these educated Negroes are still alive, and 74.6 per cent of them live in the South. Selecting 5,512 of these graduates, Dr. Johnson has made an intensive examination of their background, occupations, earnings, private property, vocational interests, and educational philosophy. Since the great majority of Negro college graduates enter teaching, medicine, dentistry, or the law, each of these professions receives careful study. A score of charts and 142 statistical tables set forth information which the historian could get in no other place. As is inevitable, such a parade of figures makes dull reading, and one might wish that the author had taken greater pains with his literary presentation, but there will be none to question the painstaking thoroughness and the objective realism with which the investigation has been pursued. Students of Southern society will find this an invaluable sourcebook for a little known phase of Negro life. Educators, too, Negro and white, will find Dr. Johnson's suggestions for improved Negro education of high pertinence for the South of today.

University of Wisconsin

W. B. HESSELTINE

*A Southerner Discovers the South.* By Jonathan Daniels. (New York: The Macmillan Company, 1938. Pp. 346. \$3.00.)

Jonathan Daniels has done a good job discovering the South to himself and discovering himself to the South. He has covered the region as a good reporter. His report starts with an autobiographical prologue and winds up with a pointed editorial epilogue. Between prologue and epilogue are intimate human glimpses into the lives and ways of the high and the lowly. The mixture of humanness and cleverness makes interesting reading for all, even if at the slight expense of distorting the picture of the land that is Dixie. Good bits of history and historical interpretation are worked into this report, which deals with such subjects as Arlington, the TVA, the Nashville Agrarians, Southern Policy activities, the Southern 'Tenant Farmers' Union, the Delta Co-operative Farm, government homestead colonies, cotton problems, industrial trends, labor issues, and numerous places and persons, including living and dead politicians.

Mr. Daniels is a sort of lone-wolf critic. He criticizes the South and criticizes those who criticize the South. He criticizes the Nashville Agrarians and criticizes those who criticize the Nashville Agrarians. He discovers that the South is a glutted market for stuffed shirts and would rather be robbed than improved, especially if the improvement is to be by outlanders. And then he discovers that he shares much of the South's distaste for outland reformers. He hits out at

government as a site for a branch of the West Point Military Academy. It was accepted but the threats of war ruined the project and Tennessee retained the property. In 1860 Andrew Jackson, Jr., acceded to the request of Governor Isham G. Harris and returned as custodian. It remained in charge of members of his family until 1888. In 1888-1889 a movement to convert the estate into a home for Confederate soldiers was defeated only after a bitter fight by members of the Jackson and Donelson families aided by the hastily organized Ladies Hermitage Association. It was their desire to preserve and beautify the old place as a national shrine. A compromise was reached and the state granted the Hermitage mansion house and twenty-five acres of ground, including the garden, to the Association, while the remainder was to be used for the soldier's home. In 1934 the entire estate was turned over to the Ladies Hermitage Association. The state, since 1895, has appropriated funds annually to assist in the preservation of the shrine.

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may lack the essential quality of historical accuracy and that the author has omitted that painstaking checking of the manuscript which is essential in the preparation of any historical work for the press.

Many statements in the narrative appear overdrawn and inadequately supported by reliable sources. But the work was originally submitted as a master's thesis, and this fact should be borne in mind by the reader, though the manuscript was purportedly completely revised prior to publication. Judged as a master's thesis, the quality of the work is much above the average of such productions, and shows promise of better work by its author in the future.

In spite of its obvious defects and limitations, the work under review brings together more material on the subject than can be found in any other volume, and is therefore a valuable addition to the available literature on Louisiana history. It is important as a path-breaking enterprise, and it will have served its purpose if it inspires future researchers on the same subject to delve more deeply into the original sources which have been left unexplored by the author of the present volume.

This initial enterprise of the Xavier University Press is an excellent example of bookmaking, and it is to be hoped that many more such attractive volumes may emanate from that source.

Louisiana State University

WALTER PRICHARD

*Vermont's Anti-Slavery and Underground Railroad Record.* By Wilbur H. Siebert. (Columbus, Ohio: The Spahr and Glenn Company, 1937. Pp. 113. Illustrations, map.)

The word *record* in the title of this volume is correctly used. The work comprises a carefully compiled record of slave cases in Vermont courts, of the activities of mulatto clergymen, of antislavery societies and leaders, of antislavery newspapers and parties, of antislavery state legislation, of antislavery activities of Vermont congressmen and senators, and of the stations, conductors, and folklore of the Underground Railroad in Vermont.

The first part of the record, that dealing with the antislavery agitation, is not particularly notable since it may easily be located elsewhere. It is convenient, however, to have it gathered together in one place, and it forms striking evidence of the intensity of the antislavery sentiment on the part of people who had no Negro problem themselves and who were unfamiliar with Negro slavery and the problems that it presented elsewhere. The record is striking also for what it reveals through omission; it contains no evidence to show that the people of Vermont were aware that their liberty laws, their state aid to Kansas emigrants, their Underground Railroad, and their fulminations against the South represented privileges regarding state rights which they denied to the South and constituted raw material of sectionalism which might lead to civil war. Professor Siebert

found that the author had quoted the whole or part of 118 lines out of a total of 142. One wonders why the misleading title, *The Circuit Rider Dismounts*, was chosen instead of the excellent subtitle, *A Social History of Southern Methodism, 1865-1900*. Sometimes publishers' demands for catchy titles must be met. Undoubtedly a page from the manuscript was not printed since one section of the bibliography (p. 377) skips from Clark to Raper, while books by Dabney, Fay, Nevins, and others are cited in the footnotes.

Mr. Farish's book is a welcomed antidote to the heavily charged denominational histories of Southern Methodism.

Birmingham-Southern College

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makes no attempt to explain Vermont's antislavery record beyond a mere mention of the tariff controversy; it is the record itself that he presents.

The second part of the volume, the account of the Underground Railroad in Vermont, is a real contribution to American history. As in earlier works on the subject of the Underground Railroad, Professor Siebert has gleaned his information very largely from his own investigations among people who had themselves participated in the railroad activities or had heard from word of mouth the stories of participators. He has traced the two main routes of the Underground through Vermont and he supplies the names of prominent conductors or operators, the location of farms and stations, and many stories with regard to the traffic. An excellent map of the routes and pictures of operators and stations are included.

Professor Siebert believes that the Vermont Underground reached the height of its traffic sometime after the enactment of the Fugitive Slave Law of 1850, but he is not very informative regarding the number of passengers carried. Again the record is notable for its omissions; it contains no data concerning the arrest of operators. The exact number of slaves carried through Vermont is less important historically than the fact that the will existed to carry them. As record, however, this volume is a welcome addition to earlier works on the Underground Railroad by Professor Siebert.

Tufts College

RUHL J. BARTLETT

*Jefferson Davis: The Unreal and the Real.* 2 volumes. By Robert McElroy. (New York: Harper and Brothers, 1937. Pp. xiii, 783. Illustrations, bibliography. \$8.00.)

There are two justifications for a new biography of Jefferson Davis. The first arises from the fact that new materials are now available which earlier writers did not possess. The second comes from the mere passing of time which has dispelled passions and given better perspective in which to view a controversial subject. Davis was both an historical figure and a symbol of the movement which resulted in the American Civil War. The time has come when the two can be separated and the man himself given the just place in history which he deserves.

Professor McElroy has only half realized the opportunities presented. He has made use of only a small proportion of the new materials available; he has approached his subject with an apology. Exactly what sources the author has used cannot be determined. There are no footnotes and only a very vague sort of "critical bibliography" at the end of the second volume. But from the old-fashioned handling of events leading to secession and dealing with the course of the Confederacy, it is safe to say that neither manuscript nor printed sources have received adequate attention. Mr. McElroy still believes that all the "20,000 which waited on the Missouri and Iowa frontiers" to rush into Kansas after Douglas had introduced his bill, were there simply to "take up claims in order

## Historical News and Notices

The fourth annual meeting of the Southern Historical Association will convene in New Orleans, November 3-5, with headquarters at the St. Charles Hotel and Tulane University as host to the visiting members. Herbert A. Kellar, chairman of the Program Committee, announces the following arrangements. Two sessions have been provided for Thursday morning, November 3. One, presided over by Charles W. Ramsdell, University of Texas, will be devoted to "Plantation Management," and papers will be presented by Everett E. Edwards, Bureau of Agricultural Economics, United States Department of Agriculture, on the "Colonial Period"; by Marjorie Mendenhall, Bradford Junior College, on "James Henry Hammond—Planter"; and by Walter Prichard, Louisiana State University, on "The Effects of the Civil War on the Louisiana Sugar Industry." William R. Hogan will preside at the other morning session which will be devoted to "Historical Activities of the National Park Service in the South." Papers will be read by Ronald F. Lee on "Objectives and Policies in the Conservation of Historic Sites"; by Malcolm E. Gardner on "The Natchez Trace as an Historic Site Problem"; and by Roy E. Appleman on "The Survey of Historic Sites in the South." "To What Extent Do the Theories and Studies of Frederick Jackson Turner Constitute a True Interpretation of the Development of the South?" will be answered by Avery Craven, University of Chicago, at a luncheon conference Thursday noon. Fletcher M. Green, University of North Carolina, will preside, and Benjamin B. Kendrick, Woman's College of the University of North Carolina, will discuss Professor Craven's paper. Culver H. Smith, University of Chattanooga, will serve as chairman of an afternoon session which will consider the general theme, "The North and the South." V. Alton Moody, Iowa State College, will discuss "Northern Trade with the South in the Ante-Bellum Period"; B. I. Wiley, University of Mississippi, has for his subject "The Impact of Federal Invasion on the Institution of Slavery"; and Albert V. House, Jr., Wilson Teachers College, Washington, D. C., will read a paper on "The South and Northern Congressional Leaders during Reconstruction and After." James A. McMillen, Louisiana State University, will preside at another afternoon session which will consider "Aids to Historical Research." It will include discussions of "A Project for Microfilming Materials for Southern History," by Barnes F. Lathrop, University of Texas; "Inventory of Manuscript Collections in the South," by John C. L. Andreassen, Historical Records Survey; and "The Next Steps in the Collection, Organization, and

Preservation of Historical Source Materials in the South," by A. F. Kuhlman, Vanderbilt University. Edward Alexander Parsons, president of the Louisiana Historical Society, will preside at a dinner Thursday evening, and Wendell H. Stephenson, Louisiana State University, will serve as toastmaster. A paper will be read by a member of the Louisiana Historical Society, and E. Merton Coulter, University of Georgia, will entertain the Association with a paper on "How the Other Half of New Orleans Lived."

One of the two Friday morning sessions will present "Suggested Points of View for the Future Historian of the South." Benjamin B. Kendrick will preside, and papers will be read by Harry E. Moore, University of Texas, on "Future Regions of the United States"; by Richard H. Shryock, University of Pennsylvania, on "Cultural Patterns in the South"; and by Frank L. Owsley, Vanderbilt University, on "Composition of Population in the South, 1840-1860." Gerald M. Capers, Jr., Yale University, will preside at the other morning session, on "Development of Science in the South." It will include papers on "Medical Theory and Practice in the Confederacy," by George Adams, Lake Forest (Illinois) College; "The Theory and Practice of Geology in the South," by Charles S. Sydnor, Duke University; and "Ante-Bellum Literature on Soil Conservation in Piedmont, South Carolina," by Arthur Hall, Soil Conservation Service, United States Department of Agriculture. At the luncheon conference Friday noon, John E. Pomfret, Vanderbilt University, will preside, and Douglas C. McMurtrie will explain "A National Survey of Printed Source Materials." There will be no formal program Friday afternoon. Rufus C. Harris, president of Tulane University, will preside at the annual dinner of the Association which will be held Friday evening, and the presidential address, "The Records of Southern History," will be delivered by Philip M. Hamer, chief of the Reference Division, The National Archives.

Two sessions have been arranged for Saturday morning. C. C. Crittenden, North Carolina Historical Commission, will serve as chairman of a "Conference of Historical Agencies." Virginia, South Carolina, and Texas agencies will be discussed, respectively, by Lester J. Cappon, University of Virginia; Anne King Gregorie, Historical Records Survey; and Ernest W. Winkler, University of Texas. "Historians and Economists of the South" will be the subject of the other morning program. J. G. de Rouilhac Hamilton, University of North Carolina, will preside; O. C. Skipper, The Citadel, will present "J. D. B. De Bow"; W. C. Binkley, Vanderbilt University, will discuss "Walter Lynwood Fleming"; and Fred Landon, University of Western Ontario, will read a paper on "Ulrich Bonnell Phillips." The meeting will close with the business session of the Association at a luncheon Saturday noon.<sup>1</sup>

<sup>1</sup> The usual sections of "Historical News and Notices," devoted to personal news, activities of historical societies, and bibliographical compilations, have been omitted from this issue to make room for a list of research projects in Southern history. News items submitted for this issue will be held over for the February number of the *Journal*.

## RESEARCH PROJECTS IN SOUTHERN HISTORY

*Compiled by* FRED COLE

This compilation of projects in Southern history is based upon questionnaires mailed to members of the Southern Historical Association, department heads in colleges and universities where there are no members, and others who were suggested in the answered forms. The survey was made at the suggestion of the Board of Editors of the *Journal of Southern History* who hoped thereby to inform historians concerning research and writing in progress and possibly to prevent needless duplication. Although completeness is conjectural, it is hoped that those who have co-operated in the task will not be disappointed in the result. Supplements will be published at intervals to keep the members informed about the work of the guild in Southern history.

The form followed in the compilation is based upon that used in the *American Historical Review, List of Research Projects in History* (1934), and in part that followed by the Division of Historical Research, Carnegie Institution of Washington, *List of Doctoral Dissertations in History Now in Progress at American Universities, December 1937*. To avoid unnecessary repetition, only those dissertations in Southern history not listed in the Carnegie bulletin are included in this compilation. Masters' theses and WPA projects are not entered.

The arrangement is chronological under subject headings except for the alphabetical order of "Biographical" studies. The progress of the project is designated by the following abbreviations: Con. (contemplated), Prog. (in progress), Fin. (finished), Prin. (in press). Except in a few instances where the author did not supply complete data, the approximate time before completion and the probable length in octavo printed pages is indicated. Names of universities and colleges are italicized.

## GENERAL

1. History of Florida. Prog. 400 pp. 6 mos. Kathryn T. Abbey, *Florida State College for Women*.
2. History of Missouri. Prog. 800 pp. 1 mo. E. M. Violette, *Louisiana*.
3. The South in American history. Prog. 650 pp. 2 yrs. Richard D. Doyle, *Loyola* (New Orleans).
4. The founding of American civilization: the South. Prog. 350 pp. 2 yrs. Thomas J. Wertenbaker, *Princeton*.
5. History of Virginia. Prog. 600 pp. Richard L. Morton, *William and Mary*.
6. Virginia agriculture: its economics, its society, and its politics. Prog. 400 pp. Kathleen Bruce, Survey of Fed. Archives, Richmond.
7. History of Louisiana. Con. 450 pp. 3 yrs. G. W. McGinty, *Louisiana Tech.*
8. Political, social, economic history of the South. Prog. 1000 pp. 2 yrs. W. B. Hesseltine, *Wisconsin*.

9. The story of Louisiana's capitols. Prog. 150 pp. 6 mos. E. A. Davis, *Louisiana*, and J. C. L. Andreassen, Hist'l Records Survey, New Orleans.
10. Southern migration into the Old Northwest. Prog. John D. Barnhart, *Louisiana*.
11. A comparison of the constitutions (early) of the Ohio Valley states. Prog. *Id.*
12. American beginnings in the Old Southwest: the Mississippi phase. Prog. 500 pp. 2 yrs. William B. Hamilton, *Duke*.
13. History of the Black Belt. Con. 3 yrs. Clanton W. Williams, *Alabama*.
14. The Texan Revolution, 1835-1836. Prog. 500 pp. 2 yrs. William C. Binkley, *Vanderbilt*.
15. The Republic of Texas, 1836-1845. Prog. 900 pp. 5 yrs. *Id.*
16. Confederate Mississippi. Prog. 300 pp. 1 yr. John K. Bettersworth, *Mississippi State*.
17. History of the Civil War. Prog. 400 pp. George F. Milton, *Chattanooga News*.
18. Foreigners in the Confederacy. Fin. 550 pp. Ella Lonn, *Goucher*.
19. Confederates in Europe following the Civil War. Prog. 30 pp. 6 mos. Watt Marchman, *Rollins*.
20. Flight into oblivion: escape of the Confederate cabinet. Fin. A. J. Hanna, *Rollins*.
21. Reconstruction. Con. 6 yrs. W. B. Hesseltine, *Wisconsin*.
22. Postwar careers of Confederate leaders. Prog. 300 pp. 4 yrs. *Id.*

## COLONIAL AND REVOLUTIONARY

(See also Nos. 37, 130, 220, 221)

23. Some Spanish settlements in Florida. Prog. 150 pp. 2 yrs. Robert E. McNicoll, *Miami (Fla.)*.
24. The colonial agent. Prog. 500 pp. 1 yr. Ella Lonn, *Goucher*.
25. Sir Walter Raleigh's colonial plantations. Prog. 300 pp. Charles W. Porter, Nat. Park Service, Richmond.
26. The Fairfax proprietary. Con. 300 pp. 2 yrs. Maude H. Woodfin, *Richmond*.
27. "Key to Our Province," colonial history of a marsh island in the mouth of the Savannah River. Fin. 115 pp. James W. Holland, Nat. Park Service, Savannah.
28. The "Trustees' Garden" in Georgia: beginning of public agricultural experimentation in America. Fin. 25 pp. *Id.*
29. Spanish control of Louisiana. Prog. 500 pp. 2 yrs. Richard D. Doyle and Albert R. Lopes, *Loyola (New Orleans)*.
30. Pressure and propaganda in the American Revolution. Prog. 450 pp. 3 mos. Philip Davidson, *Agnes Scott*.

31. The American Revolution in the Southern colonies. Prog. 1000 pp. 5 yrs. B. Floyd Flickinger, Col. Nat. Hist'l Park, Yorktown.
32. Tennessee in the Revolutionary War. Prog. 300 pp. 2 yrs. S. C. Williams, Johnson City, Tenn.
33. Spanish defense plans in the Gulf, 1776-1779. Con. 2 yrs. Alfred B. Thomas, *Alabama*.
34. The South Carolina Loyalists. Prog. 400 pp. 1 yr. R. W. Barnwell, Jr., Columbus, S. C.

## POLITICAL

(See also Nos. 26, 182, 194, 195)

35. Relations of the United States with Haiti, 1714-1931. Fin. 350 pp. Ludwell Montague, *Virginia Military Institute*.
36. Political career of Edward Livingston. Prog. 300 pp. 6 mos. W. B. Hatcher, *Louisiana*.
37. Federal relations of North Carolina, 1775-1789. Prog. 2 yrs. George Bauerlein, *North Carolina State College*.
38. The Negro in North Carolina politics. Prog. 200 pp. 1 yr. W. A. Mabry, *Duke*.
39. The struggle for statehood in Kentucky. Prog. 250 pp. 6 mos. Percy W. Christian, *Walla Walla*.
40. Antifederalism in Virginia, 1780-1788. Prog. 150 pp. 1 yr. Margaret P. Scott, *Hollins*.
41. John Brown and his influence on Kentucky politics, 1784-1805. Fin. Diss. (*Northwestern*) Elizabeth Warren, *Michigan State Normal*.
42. Federal administration of Southern Indians. Prog. 500 pp. 1 yr. R. S. Cotterill, *Florida State College for Women*.
43. The secession movement in North Carolina. Fin. Diss. J. Carlyle Sitterson, *North Carolina*.
44. Anglo-American expansion west of the Mississippi River. Prog. 100 pp. 2 yrs. Bertha Ann Reuter, *Mary Hardin-Baylor*.
45. New Spain and the filibusters, 1812-1821. Prog. 350 pp. 1 yr. Harris Gaylord Warren, *Tulane*.
46. Relationship between the Missouri Compromise and the Florida Purchase. Prog. 45 pp. 2 yrs. Elizabeth S. Brown, Bartow, Fla.
47. The Missouri Compromise, 1819-1821. Prog. 280 pp. 3 yrs. Glover Moore, *Mississippi State*.
48. Temperance reform and politics in North Carolina during the ante-bellum period. Prog. 20 pp. 1 yr. D. J. Whitener, *Appalachian*.
49. Nullification and secession. Prin. 80 pp. Donald Bridgman Sanger, Fort Shafter, T. H.
50. John Macpherson Berrien and the cabinet of Andrew Jackson. Prog. 6 mos. Thomas P. Govan, *Chattanooga*.

51. Mississippi politics and political leaders, 1825-1845. Con. James Hays McLendon, Mendenhall, Miss.
52. Proposed amendments to the Constitution during the Jackson era. Prog. 4 mos. J. H. Parks, *State Teachers College*, Memphis.
53. James K. Polk and the "Immortal Thirteen." Fin. 10 pp. Powell Moore, *Indiana*.
54. A decade of sectional controversy, 1851-1861. Prog. 4 yrs. Henry H. Simms, *Ohio State*.
55. A history of the establishment of the Kansas state government. Fin. 250 pp. Gustave R. Gaedert, Kan. State Hist'l Soc., Topeka.
56. The Republican party in North Carolina. Prog. 18 mos. Diss. (*North Carolina*) Elliott O. Watson, *Greensboro*.
57. Conservative tendencies in the Virginian constitutional convention, 1861. Fin. 10 pp. Henry T. Shanks, *Birmingham-Southern*.
58. The secession movement in Maryland. Fin. 100 pp. George Frederick Ashworth, The National Archives.
59. County secession attitudes, Rockbridge County, Virginia. Fin. *Id*.
60. Politics in the Confederacy. Con. 5 yrs. Ruth Ketring Nuernberger, *Duke*.
61. Attempts to influence public opinion in the Confederacy. Prog. James W. Silver, *Mississippi*.
62. Albert Pike's Confederate Indian treaties. Fin. 50 pp. David Parsons, *Oklahoma*.
63. Pardon and amnesty during the Civil War and Reconstruction. Prog. 350 pp. 6 mos. J. T. Dorris, *Eastern Kentucky State Teachers*.
64. The Civil War and Reconstruction journal of a North Alabaman. Prog. 30 pp. 6 mos. B. I. Wiley, *Mississippi*.
65. The election of 1864. Prog. 2 yrs. Charles R. Wilson, *Colgate*.
66. A history of the Republican party in East Tennessee. Prog. 200 pp. 2 yrs. Diss. (*Indiana*) Verton M. Queener, *Maryville*.
67. A history of the lands of Oklahoma Territory. Prog. 500 pp. 2 yrs. Berlin B. Chapman, *Fairmont*.
68. Congressional disfranchisement, 1868-1898. Fin. 400 pp. William A. Russ, *Susquehanna*.
69. The Goebel affair. Prog. 350 pp. 1 yr. William Stewart Lester, *Kentucky Wesleyan*.
70. Kentucky in the post-Reconstruction period. Prog. 200 pp. 2 yrs. Diss. (*Indiana*) Lena Logan, *Western Kentucky State Teachers*.
71. The prohibition movement and politics in North Carolina. Prog. 29 pp. 1 mo. D. J. Whitener, *Appalachian*.
72. Background of legislative regulation in bituminous coal. Prog. 125 pp. 2 mos. Mary Effie Cameron, *Cornell*.



## BIOGRAPHICAL

(See also Nos. 19, 22, 41, 177, 245)

73. Thomas Affleck. Prog. 400 pp. 2 yrs. Wendell H. Stephenson and Fred Cole, *Louisiana*.
74. James Lusk Alcorn: Southern unionist. Prog. 250 pp. 1 yr. P. L. Rainwater, Hist'l Records Survey, Jackson, Miss.
75. Biography of John Bell of Tennessee. Con. J. H. Parks, *State Teachers College, Memphis*.
76. Richard Parks Bland. Prog. 2 yrs. Diss. J. T. Angus, *Missouri*.
77. Life and times of Milledge Luke Bonham. Prog. 650 pp. 1 yr. Milledge L. Bonham, Jr., *Hamilton*.
78. "Notes on Kentucky," by John Bradford, with a short biography. Prog. 400 pp. 1 yr. Samuel M. Wilson, Lexington, Ky.
79. Diary of John William Brown. Prog. 450 pp. 2 yrs. Horace Adams, *Arkansas A. & M.*
80. Simon Boliver Buckner. Fin. 500 pp. A. M. Stickles, *Western Kentucky State Teachers*.
81. Careers of Burr and Williamson. Prog. 1100 pp. I. J. Cox, *Northwestern*.
82. The three William Byrd's of Colonial Virginia. Prog. 350 pp. 6 mos. Maude H. Woodfin, *Richmond*.
83. Robert Carter of Virginia, a study of a tobacco planter of the 18th century. Fin. Diss. Louis Morton, *Duke*.
84. Maxwell Chambers, ante-bellum cotton merchant. Prog. 1 yr. Frontis W. Johnston, *Davidson*.
85. A biography of Joseph Blount Cheshire, Bishop of North Carolina, 1893-1932. Prog. 250 pp. 1 yr. Lawrence F. London, *North Carolina*.
86. Clay of Alabama: two generations in politics. Prog. 300 pp. 2 yrs. Ruth Ketring Nuernberger, *Duke*.
87. John Hartwell Cocke of "Bremo." Prog. 650 pp. 2 yrs. Armistead C. Gordon, Jr., *Virginia*.
88. General John Coffee. Prog. 300 pp. 1 yr. Gordon T. Chappell, *Vanderbilt*.
89. Theodoro de Croix and northern New Spain. Prog. 300 pp. 2 mos. Alfred B. Thomas, *Alabama*.
90. General William Lee Davidson. Prog. 1 yr. Chalmers G. Davidson, *Davidson*.
91. Life and opinions of Thomas R. Dew. Prog. 250 pp. 5 yrs. Charles W. Porter, Nat. Park Service, Richmond.
92. David Dickson, planter of the Reconstruction Era. Fin. 20 pp. Charles McA. Destler, *South Georgia Teachers*.
93. John Forsyth: statesman of the Old South. Prog. 350 pp. 6 mos. Ralph B. Flanders, *New York*.

94. Biography of Christopher Gadsden. Prog. 325 pp. 2 yrs. R. H. Woody, *Duke*.
95. Life of Edmund Pendleton Gaines. Fin. 350 pp. James W. Silver, *Mississippi*.
96. John Gray and Thomas Blount, merchants. Prog. Alice B. Keith, *Meredith*.
97. Life of General Duff Green. Prog. 500 pp. 6 mos. Fletcher M. Green, *North Carolina*.
98. Biography of Felix Grundy of Tennessee. Fin. J. H. Parks, *State Teachers College*, Memphis.
99. Life of James Hamilton of South Carolina. Prog. J. G. de R. Hamilton, *North Carolina*.
100. Paul Hamilton Hayne and the Charleston Literati. Prog. 350 pp. 2 yrs. Charles R. Anderson, *Duke*.
101. Louis Houck and the development of Southeast Missouri. Prog. 3 yrs. Diss. Maynard Willis, *Missouri*.
102. Charles J. Jenkins. Prog. John B. Clark, *Mercer*.
103. The life and times of Douglas H. Johnston. Prog. 350 pp. 2 yrs. Gaston L. Litton, The National Archives.
104. Joseph E. Johnston: general. Prog. 400 pp. 2 yrs. Donald Bridgman Sanger, Fort Shafter, T. H.
105. James Longstreet: the story of a fighter. Fin. 400 pp. *Id.*
106. James A. Lyon, churchman, reformer, educator. Prog. 30 pp. 6 mos. B. I. Wiley, *Mississippi*.
107. A. L. Maxwell, Jr., bridgebuilder and industrialist. Prog. 100 pp. 1 yr. W. F. Rogers, *State Teachers College*, Johnson City, Tenn.
108. Life of James Monroe. Prog. 400 pp. 2 yrs. John Carter Matthews, *King*.
109. Biography of General Daniel Morgan. Prog. 400 pp. 18 mos. B. Floyd Flickinger, Col. Nat. Hist'l Park, Yorktown.
110. Biography of General John Hunt Morgan, Confederate cavalry leader and raider. Prog. 400 pp. 1 yr. Cecil Holland, *Chattanooga News*.
111. Biography of Prince Achille Murat. Prog. 1 yr. A. J. Hanna, *Rollins*.
112. Life of Francis T. Nicholls. Prog. 250 pp. 2 yrs. G. W. McGinty, *Louisiana Tech*.
113. Edmund Pendleton and his times. Prog. 300 pp. 6 mos. R. L. Hildrup, *East Carolina Teachers*.
114. Henry Shultz, promoter and builder. Prog. 2 yrs. Charles G. Cordle, *Junior College of Augusta*, Ga.
115. A life of Thomas Spalding. Prog. 350 pp. 3 mos. E. M. Coulter, *Georgia*.
116. John Stuart and British administration of Indian affairs in the South. Prog. 450 pp. 1 yr. Philip M. Hamer, The National Archives.
117. William Booth Taliaferro. Con. Ludwell Montague, *Virginia Military Institute*.

118. Life of James W. Throckmorton. Prog. 320 pp. 6 mos. Claude Elliot, *Southwest Texas State College*.
119. A life of Ben Tillman. Prog. 350 pp. 2 yrs. Francis B. Simkins, *State Teachers College*, Farmville, Va.
120. The last years of Henry Timrod. Prog. 75 pp. 2 mos. Jay B. Hubbell, *Duke*.
121. Life of Julia Tutwiler. Prog. 400 pp. 2 yrs. Mrs. H. C. Pannell, University, Ala.
122. Zebulon Baird Vance: a biography. Prog. Frontis W. Johnston, *Davidson*.
123. Zebulon B. Vance as war governor of North Carolina. Fin. 500 pp. Richard E. Yates, *South Georgia College*.
124. Louis Trezevant Wigfall. Prog. 2 yrs. Clyde Lord, *Jones County* (Miss.) *Junior College*.
125. William L. Wilson, scholar-statesman. Prog. 500 pp. 2 yrs. Festus P. Summers, *West Virginia*.
126. William Winans: preacher to the Natchez country, 1810-1856. Prog. 350 pp. 3 yrs. Ray Holder, *Duke*.
127. The public career of William L. Yancey. Prog. 2 yrs. Austin L. Venable, *Arkansas*.
128. Dr. John Joachim Zubly, preacher, rebel, loyalist. Con. Charles G. Cordle, *Junior College of Augusta*, Ga.

#### SOCIAL, ECONOMIC, AND CULTURAL

(See also Nos. 4, 6, 25, 26, 27, 28, 67)

129. History of the Creek Indians. Prog. 300 pp. 6 mos. Angie Denbo, Marshall, Okla.
130. The commerce of the York River in Colonial times. Prog. 300 pp. 5 yrs. B. Floyd Flickinger, Col. Nat. Hist'l Park, Yorktown.
131. A history of Southern literature. Prog. 500 pp. 2 yrs. Jay B. Hubbell, *Duke*.
132. History of the Southern iron and steel industry. Prog. 500 pp. 2 yrs. Lester J. Cappon, *Virginia*.
133. The natural history of the plantation. Prog. 2 yrs. Edgar T. Thompson, *Duke*.
134. History of dueling in the United States. Prog. 5 yrs. William R. Hogan and E. A. Davis, *Louisiana*.
135. The German element in South Carolina. Prog. 2 yrs. Diss. (*North Carolina*) William M. Geer, Charleston.
136. Medical science and practice in ante-bellum South Carolina. Prog. Nell Hines, *North Carolina*.
137. Maritime history of Charleston, South Carolina. Prog. 600 pp. 5 yrs. J. H. Easterby, *Charleston*.
138. Social and cultural life in old South Carolina. Fin. 275 pp. Rosser H. Taylor, *Furman*.

139. History of medicine in Georgia. Prog. Frank K. Boland, Med. Ass'n of Ga., Atlanta.
140. Study of Richmond houses built before the Civil War. Prog. Mary Winfield Scott, Richmond.
141. Agriculture in Tennessee. Prog. 300 pp. 1 yr. Chase C. Mooney, *Vanderbilt*.
142. The cultural development of ante-bellum Kentucky. Prog. 450 pp. 2 yrs. Kenneth W. Rawlings, Louisville, Ky.
143. Refugee journalists. Prog. D. H. Gilpatrick, *Furman*.
144. The physician in Southern agriculture. Prog. 20 pp. 2 yrs. Nannie M. Tilley, *Duke*.
145. Humor of the Old Frontier. Prog. 450 pp. 6 mos. T. D. Clark, *Kentucky*.
146. The credit system and the cotton trade. Prog. 2 yrs. Thomas P. Govan, *Chattanooga*.
147. The cane sugar industry in the United States. Prog. 350 pp. 3 yrs. J. Carlyle Sitterson, *North Carolina*.
148. Cultural life in Kentucky, 1800-1860. Prog. 450 pp. 2 yrs. F. Garvin Davenport, *Transylvania*.
149. Ante-bellum Southern agricultural societies. Prog. 2 yrs. Fletcher M. Green, *North Carolina*.
150. "Poor Whites" in Louisiana before and after the Civil War. Fin. 300 pp. Roger W. Shugg, *Princeton*.
151. Plantation life in the Lower Mississippi Valley. Prog. 400 pp. 5 yrs. E. A. Davis, *Louisiana*.
152. History of merchandising in the ante-bellum Mississippi Valley. Prog. Lewis E. Atherton, *Missouri*.
153. Internal improvements in Louisiana to 1861. Prog. 200 pp. 2 yrs. J. C. L. Andreassen, Hist'l Records Survey, New Orleans.
154. Biography of a river town—Memphis: its heroic age. Prin. 325 pp. Gerald M. Capers, *Yale*.
155. Iron industry in Upper Tennessee. Prog. 2 yrs. W. F. Rogers, *State Teachers College*, Johnson City, Tenn.
156. The Yankee in Dixie. Prog. 380 pp. 2 yrs. Arthur C. Cole, *Western Reserve*.
157. A history of Charleston theaters, 1800-1875. Fin. 300 pp. William Stanley Hoole, *Baylor*.
158. South Carolina plantation as revealed in the papers of R. F. W. Allston. Prog. 700 pp. 18 mos. Diss. (*Chicago*) J. H. Easterby, *Charleston*.
159. The American lyceum. Prog. 400 pp. 2 yrs. Diss. George W. Roach, *Columbia*.
160. Cultural life in Nashville, 1825-1860. Fin. 300 pp. F. Garvin Davenport, *Transylvania*.

161. History of the University of Georgia medical school. Prog. 30 pp. 6 mos. Cecilia C. Mettler, *Cornell*.
162. The direct trade movement in the South. Prog. 1 yr. Thomas P. Govan, *Chattanooga*, and Paul D. Evans, *Vermont*.
163. Southern investments in Northern lands before the Civil War. Fin. 30 pp. Paul W. Gates, *Cornell*.
164. The nonslaveholding farmer in Tennessee. Prog. 4 mos. Blanche Henry Clark, *Ward-Belmont*.
165. Northern migration to the South before the Civil War. Prog. 100 pp. 2 yrs. Mary E. McWilliams, *Alabama College*.
166. Carolina humor: sketches by Harden E. Taliaferro. Prin. 100 pp. David K. Jackson, *Duke*.
167. A History of the *Southern Literary Messenger*, 1834-1864. Prog. 750 pp. 3 yrs. Diss. *Id.*
168. Social structure of the Old South, 1840-1860. Prog. 4 yrs. Frank L. Owsley, *Vanderbilt*.
169. Social and economic history of Florida, 1845-1865. Prog. 400 pp. 2 yrs. Watt Marchman, *Rollins*.
170. Cultural and social life in Washington County, Southwestern Virginia. Fin. 30 pp. Lester J. Cappon, *Virginia*.
171. Transition in Mississippi plantation economy: from slavery to tenancy. Con. 300 pp. 3 yrs. P. L. Rainwater, Hist'l Records Survey, Jackson, Miss.
172. Economic history of New Orleans. Con. 450 pp. 6 yrs. O. F. Brown, *Marquette*.
173. Bright tobacco industry, 1860-1920. Prog. 400 pp. 6 mos. Nannie M. Tilley, *Duke*.
174. Manufacture of war supplies in Tennessee for the Confederacy. Prog. 1 yr. W. F. Rogers, *State Teachers College*, Johnson City, Tenn.
175. The Civil War industries of North Carolina. Con. 2 yrs. W. A. Mabry, *Duke*.
176. Virginia during the Civil War. Prog. 400 pp. 3 yrs. Henry T. Shanks, *Birmingham-Southern*.
177. Some Confederate emigrants to Brazil. Prog. 1 yr. Blanche Henry Clark, *Ward-Belmont*.
178. Social and economic conditions in Mississippi during Reconstruction. Prog. 350 pp. 2 yrs. Ross H. Moore, *Millsaps*.
179. Economic decline of Charleston since 1865. Prog. 400 pp. 2 yrs. Diss. (*Harvard*) O. F. Brown, *Marquette*.
180. The Birmingham steel industry and railroad differentials. Con. *Id.*
181. Social background of Negro-white relations. Prog. 100 pp. 1 yr. Diss. Lewis C. Copeland, *Duke*.
182. Child labor legislation in the manufacturing states of the South. Fin. 300 pp. Elizabeth H. Davidson, *Coker*.

183. The rebuilding of the Old Dominion. Prog. 300 pp. 2 yrs. Allen Moger, *Washington and Lee*.
184. Conservation in the turpentine industry. Prog. 25 pp. Charles McA. Destler, *South Georgia Teachers College*.

## SLAVERY AND NEGRO

(See also Nos. 13, 38, 181, 200, 201, 209, 242)

185. The history of the black race. Prog. 250 pp. 2 mos. W. E. B. Du Bois, *Atlanta*.
186. Plantation medicine: health care of the slaves on the old plantation. Prog. Mary Louise Marshall, *Tulane*.
187. The free Negro in the ante-bellum South. Prog. Diss. John H. Franklin, *Harvard*.
188. The idea of the Southern gentleman in American fiction. Prog. Diss. (Harvard) Emelio L. Lanier, *Fisk*.
189. The free Negro in Charleston, South Carolina. Prog. Diss. (Chicago) Elijah H. Fitchett, *Chaplin*.
190. A history of race relations in Durham, North Carolina. Prog. Lewis C. Copeland, *Duke*.
191. Slavery times in Kentucky. Prog. 200 pp. 2 yrs. J. Winston Coleman, Lexington, Ky.
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